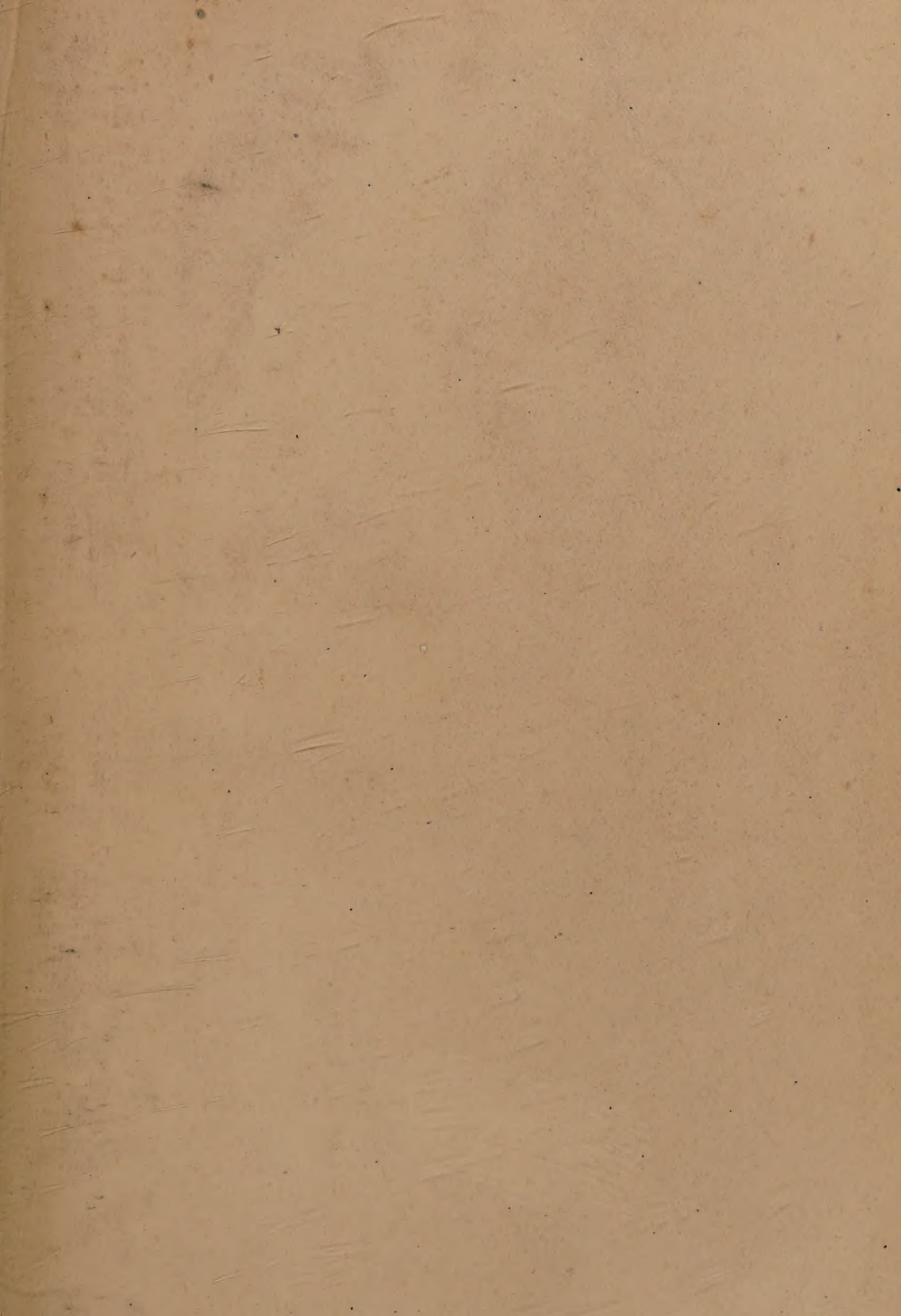


Compliments of
The State of Illinois.
HARRY WOODS,
SECRETARY OF STATE.





LAWS

OF THE

STATE OF ILLINOIS

ENACTED BY THE

Forty-Eighth General Assembly

AT THE

REGULAR BIENNIAL SESSION

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF
SPRINGFIELD, ON THE EIGHTH DAY OF JANUARY
A. D. 1913, AND ADJOURNED SINE DIE ON THE
THIRTIETH DAY OF JUNE A. D. 1913.

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LAWS OF ILLINOIS.

ADMINISTRATION OF ESTATES.

COMPENSATION OF TRUSTEES.

§ 1. Amends section 1, Act of 1891.

§ 1. As amended, adds provision covering exception in regard to trusts for charitable, religious or educational purposes.

(HOUSE BILL NO. 757. APPROVED JUNE 26, 1913.)

AN ACT to amend an Act entitled, "*An Act concerning compensation of trustees,*" approved June 17, 1891, in force July 1, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an Act entitled, "*An Act concerning compensation of trustees,*" approved June 17, 1891, in force July 1, 1891, be amended so as to read as follows:

§ 1. That where a trustee or trustees shall hereafter act under any power or appointment given or created by any will, testament or codicil, and in such will, testament or codicil, except in case of trusts for charitable, religious or educational purposes, shall be contained no provision respecting the compensation to be allowed or paid such trustee or trustees, a reasonable compensation may be charged and allowed, demanded and collected therefor. The exception in this Act, in regard to trusts for charitable, religious or educational purposes, is intended to apply only to trustees "of charitable, religious or educational institutions and not to the trustees created by any will, testament or codicil. The county court of the county where the will was admitted to probate or the circuit court of such county, in case such court shall take jurisdiction of a trust estate, may allow a reasonable fee to such trustee or trustees so created by will, testament or codicil where compensation is not expressly forbidden by the terms of the will, testament or codicil."

APPROVED June 26, 1913.

LETTERS OF ADMINISTRATION—PRESUMPTION OF DEATH.

§ 1. Amends sections 20 and 20a, Act of 1872.

§ 20. As amended, affidavit shall state name and address of all persons in control of property of alleged decedent.

§ 20a. As amended, copy of published notice to be mailed to alleged decedent at last known address, etc.

(HOUSE BILL NO. 65. APPROVED JUNE 21, 1913.)

AN ACT to amend sections twenty and twenty a (20a) of "An Act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872, as amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections twenty and twenty a (20a) of an Act entitled, "An Act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872 as amended, be amended to read as follows:

§ 20. Before letters of administration shall hereafter be issued, the person applying for the same, or some other credible person, shall make and file an affidavit with the proper clerk, setting forth as near as may be the date of death of the deceased, or facts and circumstances raising the legal presumption of such death intestate, the probable amount or value of the personal estate and the names of the heirs, widow or surviving husband, if known. When letters are sought on the presumption of death, the affidavit shall, also, state the name and post office address of each person, officer or corporation in possession or control of any of the property of the alleged decedent, so far as known to the applicant.

§ 20a. When letters are sought on the presumption of death, the court shall set the application for hearing and the clerk shall cause to be published in a newspaper as defined by law, for at least four successive weeks, a notice of such application and of the time and place of the hearing thereof. The first publication of such notice shall be at least thirty days prior to the date fixed for the hearing and a copy of the notice shall, within ten days after the first publication of the same, be mailed by the clerk, addressed to the person on whose estate letters are sought, at his last known address as shown by the affidavit, required by section 20 of this Act, and to each person, officer or corporation in possession or control of property of the alleged decedent, as shown by the application or affidavit. At the hearing the allegations shall be established by competent proof, and any person interested or any person in possession or control of the property sought to be administered, or any part thereof, may appear and resist the application.

APPROVED June 21, 1913.

AGRICULTURE AND HORTICULTURE.

APPROPRIATIONS TO COUNTY FAIRS AND SOCIETIES—BASIS OF DISTRIBUTION.

1. Amends section 7, Act of 1883.

§ 7. As amended, changes basis of distribution.

(HOUSE BILL NO. 361. APPROVED JUNE 27, 1913.)

AN ACT to amend section seven of an Act entitled, "An Act to revise the law in relation to the Department of Agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, as amended by Act approved May 29, 1911, in force July 1, 1911.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section seven of an Act entitled, "An Act to revise the law in relation to the Department of Agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, as amended by Act approved May 29, 1911, in force July 1, 1911, be and the same is hereby amended so as to read as follows:

§ 7. Whatever money shall be appropriated to the Department of Agriculture shall be paid to the State Board of Agriculture and may be expended by them as in the opinion of said board will best advance the interests of agriculture, horticulture, manufactures and domestic arts in this State.

All appropriations which shall be made for the benefit of county fairs or other agricultural societies shall be divided between such county fairs or agricultural societies as shall have given satisfactory evidence to said State board of having held an annual fair and made their annual report on or before the fifteenth day of November of each year to the State Board of Agriculture.

Said appropriations shall be divided between such county fairs or agricultural societies which shall have complied with the conditions herein prescribed, as follows: To each of said county fairs or agricultural societies upon the following basis:

First—Sixty per cent of the first one thousand dollars (\$1,000);

Second—Fifty per cent on the second one thousand dollars (\$1,000);

Third—Forty per cent on the next two thousand dollars (\$2,000);

and

Fourth—Thirty per cent on all in excess of four thousand dollars (\$4,000) of the total amount of premiums paid at its annual fair for the current year, for exhibits of horticulture, agriculture, poultry, live stock and domestic and mechanical arts: *Provided*, that if the amount appropriated by the General Assembly for the payment of the respective premiums shall be insufficient to pay the several amounts in full, then the sum shall be pro rated amongst all the fairs entitled thereto.

On or before the fifteenth of November of each year the president and secretary of each county fair or agricultural society claiming the benefit of any such appropriation shall file with the secretary of the State Board of Agriculture a sworn statement of the actual amount of cash premiums paid at the fair of the current season, which must correspond with the published offer of premiums and a further sworn statement that at such fair all gambling and gambling devices of whatsoever kind and the sale of intoxicating liquors have been prohibited and excluded from the grounds of such county fair or agricultural society and all adjacent grounds under their authority or control. Such statement shall be accompanied by an itemized list of all premiums paid upon the basis of the premiums herein provided and a copy of the published premium list of such fair and a full statement of receipts and expenditures for the current year duly verified by the secretary of such fair or agricultural society. Such money shall be paid to the treasurer of the county fair or agricultural society upon his receipt countersigned by the secretary.

APPROVED June 27, 1913.

STATE BOARD—LAND FOR FAIR GROUND PURPOSES.

§ 1. Acquisition of land authorized—power of eminent domain conferred.

(SENATE BILL NO. 275. APPROVED JUNE 26, 1913.)

AN ACT *conferring upon the State Board of Agriculture the power to condemn and take real estate through the exercise of the right of eminent domain.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the State Board of Agriculture created a body corporate under and by the name of "State Board of Agriculture" by virtue of an Act entitled, "An Act to revise the law in relation to the Department of Agriculture, agricultural societies and agricultural fairs and to provide for reports of the same," approved June 23, 1883, and in force July 1, 1883, be and the same is hereby empowered to acquire title to any land or lands for State fair ground purposes which may be desired or required by the State Board of Agriculture for State fair ground purposes: *Provided*, that such additional land or lands shall be contiguous, or adjoining a public road, highway or street contiguous to land used as and for State fair ground purposes and for which the State Board of Agriculture shall be unable to agree with the owner or owners for the purchase thereof, in the manner that may be now or hereafter provided for by an Act entitled, "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872, in force July 1, 1872, and any Act or Acts amendatory thereto.

APPROVED June 26, 1913.

APPROPRIATIONS.

AGRICULTURE—COUNTY FAIRS AND SOCIETIES.

- § 1. Appropriates \$85,000 per annum—distribution under Act of 1883. | § 2. How drawn.

(HOUSE BILL NO. 362. APPROVED JUNE 19, 1913.)

AN ACT *making an appropriation for county fairs or other agricultural societies of the State of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of eighty-five thousand dollars (\$85,000) per annum, or so much thereof as may be necessary, be and the same is hereby appropriated to county fairs or other agricultural societies of the State of Illinois, said appropriations to be divided between such county fairs or agricultural societies which have complied with the conditions prescribed by section 7 of an Act entitled, "An Act to revise the law in relation to the Department of Agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, and all Acts amendatory of said section.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the moneys herein appropriated in favor of the several county fairs or agricultural societies of this State which shall have complied with the provisions of section 7 of the Act referred to herein, and the certificate of the State Board of Agriculture, signed by its president and attested by its secretary, shall be required by the Auditor of Public Accounts as proof of such compliance.

APPROVED June 19, 1913.

AGRICULTURE—STATE BOARD, NOTES OUTSTANDING.

- § 1. Appropriates \$85,000 to pay outstanding notes.

(HOUSE BILL NO. 257. APPROVED JUNE 21, 1913.)

AN ACT *making an appropriation for the State Board of Agriculture to be used in the payment of outstanding notes given to secure funds to complete new sheep and swine pavilions, repairs to buildings damaged by storms, and deficiency in maintenance, repairs and care of the Illinois State Fair grounds and buildings thereon.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of eighty-five thousand dollars (\$85,000) out of the State treasury, not otherwise appropriated, be and the same is hereby appropriated to the State Board of Agriculture, to be used in the payment of outstanding notes aggregating that

amount, said eighty-five thousand dollars (\$85,000) having been secured to pay the cost of completing the new sheep and swine pavilions, repairs to buildings damaged by storms, and deficiency in maintenance, repairs and care of the Illinois State Fair grounds and buildings thereon.

APPROVED June 21, 1913.

AUDITOR—INVENTORY OF STATE PROPERTY.

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| <p>§ 1. Inventory of all State property by Sept. 1, 1913—exception—contents—annual statement.</p> <p>§ 2. Statement of acquisition or disposition of property.</p> | <p>§ 3. Penalty for violation.</p> <p>§ 4. Appropriates \$6,000.</p> |
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(SENATE BILL NO. 630. APPROVED JUNE 23, 1913.)

AN ACT in relation to an inventory of the property of the State of Illinois, and for an appropriation to pay the necessary expenses in the enforcement of the Act.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of every officer, board, commission, department and institution of the State government, excepting the Board of Administration and the Charities Commission, on or before the first day of September, A. D. 1913, to file in the office of the Auditor of Public Accounts an inventory of all the property, both real and personal, belonging to the State of Illinois and under the charge, care, management, custody or control of said officer, board, commission, department and institution of the State government, respectively.

Such inventory shall contain a true and correct legal description of the real estate under the care, custody or control of such officer, board, commission, department and institution, and shall contain a true and correct description of all the buildings and other improvements situated on such real estate, together with a statement as to the value of such real estate and improvements.

Such inventory as to personal property shall contain an itemized statement of all the personal property under the care, custody, control and management of such officer, board, commission, department and institution, respectively, together with the value of the same. On or before the first day of September of each succeeding year, a like inventory shall be filed in the office of the Auditor of Public Accounts.

§ 2. In case other or additional property, either real or personal, should at any time after the making and filing of such inventory, be purchased or otherwise come into the care, custody, control or management of such officer, board, commission, department and institution, respectively, or in case any property so inventoried should be sold, exchanged, destroyed or otherwise disposed of after the making and filing of such inventory, a statement shall, within ten days after the acquisition, destruction or disposition of such property, be filed in the office

of the Auditor of Public Accounts, containing a list of the property so acquired, destroyed or disposed of, together with a statement as to the value of the same.

§ 3. Any officer, board, commission, department or institution of the State government who shall wilfully fail, or neglect to make and file the inventory herein prescribed, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine in any sum not exceeding \$500.

§ 4. There is hereby appropriated to the Auditor of Public Accounts the sum of six thousand five hundred dollars (\$6,500.00) to pay the expenses connected with the making, filing and keeping a record of the inventories filed under the provisions of this Act, and the Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State treasury upon proper vouchers certified by the Governor's institution auditor and approved by the Governor.

APPROVED June 23, 1913.

BEE-KEEPERS' ASSOCIATION.

Preamble.

[§ 2.] How drawn.

§ 1. Appropriates \$1,000 per annum—proviso.

§ 3. Annual report to Governor.

(SENATE BILL NO. 181. APPROVED MAY 27, 1913.)

AN ACT *making an appropriation for Illinois State Bee-Keepers' Association.*

WHEREAS, The members of the Illinois State Bee-Keepers' Association have for years given much time and labor without compensation in the endeavor to promote the interest of the bee-keepers of the State; and

WHEREAS, The importance of the industry to the farmers and fruit growers of the State warrants the expenditure of a reasonable sum for the holding of annual meetings, the publication of reports and papers containing practical information concerning bee-keeping; therefor [therefore] to sustain the same and enable this organization to defray the expenses of annual [annual] meetings, publishing reports, suppressing foul brood among bees in the State, and promote the industry in Illinois:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated for the use of the Illinois State Bee-Keepers' Association the sum of one thousand dollars (\$1,000) per annum for the years 1913 and 1914. For the purpose of advancing the growth and developing the interests of the Bee-Keepers of Illinois, said sum to be expended under the direction of the Illinois State Bee-Keepers' Association for the purpose of paying the expenses of holding annual meetings, publishing the proceedings of said meetings, suppressing foul brood among bees in Illinois, etc.: *Provided, however,* that no officer or officers of the Illinois State Bee-Keepers' Association shall be entitled to receive any money compensation whatever for the same, out of this fund.

[§ 2.] That on the order of the president, countersigned by the secretary of the Illinois State Bee-Keepers' Association and approved by the Governor, the Auditor of Public Accounts shall draw his warrant on the treasury [Treasurer] of the State of Illinois in favor of the treasurer of the Illinois State Bee-Keepers' Association for the sum herein appropriated.

§ 3. It shall be the duty of the treasurer of the Illinois State Bee-Keepers' Association to pay out of said appropriation, on itemized and receipted vouchers, such sums as may be authorized by a vote of said organization on the order of the president, countersigned by the secretary, and make annual report to the Governor of all such expenditures, as provided by law.

APPROVED May 27, 1913.

BOARD OF HEALTH—PROVISIONAL.

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| § 1. Appropriates \$18,000 for purposes named. | § 3. Emergency. |
| 2. How drawn. | |

(SENATE BILL NO. 196. APPROVED MAY 9, 1913.)

AN ACT to make an appropriation for the ordinary and contingent expenses of the State Board of Health for the fiscal year ending June 30, 1913.

SECTION 1. *Be enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of six thousand dollars (\$6,000) or as much thereof as may be necessary, be and is hereby appropriated to the State Board of Health, to be used only with the consent and concurrence of the Governor, on the recommendation and advice of the board, in case of an outbreak or threatened outbreak of any epidemic or malignant disease, to defray the expenses of preventing the introduction of such diseases, or their spread from place to place within the State.

Also the sum of seven thousand dollars (\$7,000) for the free distribution of anti-diphtheric serum throughout the State as a preventive against the spread of diphtheria.

Also the sum of four thousand five hundred dollars (\$4,500) or as much thereof as may be necessary, to be expended in the enforcement of "An Act to regulate the practice of medicine in the State of Illinois," approved April 24, 1899, as amended by Acts approved June 4, 1907, and January 25, 1908.

Also the sum of five hundred dollars (\$500), or as much thereof as may be necessary, to be expended in the enforcement of "An Act providing for the regulation of the embalming and disposal of dead bodies, for a system of examination, registration and licensing of embalmers, and imposing penalties for the violation of any of its provisions," approved May 13, 1905.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified upon the presentation of the proper voucher certified to as correct by said board, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

§ 3. WHEREAS, Said sums of money are immediately required, therefore, an emergency exists, and this Act shall take effect and be in force from and after its passage.

APPROVED May 9, 1913.

CANAL COMMISSIONERS—MAINTENANCE AND IMPROVEMENTS.

§ 1. Appropriates \$50,000.

§ 2. How drawn.

§ 3. Accounts kept—annual report.

(HOUSE BILL NO. 254. FILED JULY 12, 1913.)

AN ACT *making an appropriation for the improvement and enlargement of the Illinois and Michigan Canal and for the necessary and extraordinary expenses thereof.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of providing means for enlarging and improving the Illinois and Michigan Canal and maintaining the same in a navigable condition, there is hereby appropriated the sum of fifty thousand dollars (\$50,000).

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the sum herein appropriated, upon proper voucher duly certified to by the treasurer of The Canal Commissioners and approved by the Governor, and the State Treasurer shall pay the same out of any fund in the State treasury not otherwise appropriated.

§ 3. The said The Canal Commissioners shall keep an accurate account of the amount so received by them, together with their disbursements and expenditures thereof, showing for what and in what manner said sums were expended, which said account shall accompany their annual report to the Governor and be made a part thereof.

FILED July 12, 1913.

The Governor having failed to return this bill to the General Assembly during its session, and having failed to file it in my office, with his objections, within ten days after the adjournment of the General Assembly, it has thereby become a law.

Witness my hand this 12th day of July, A. D. 1913.

HARRY WOODS, *Secretary of State.*

CHARITABLE—KANKAKEE HOSPITAL, BAKERY BUILDING.

§ 1. Appropriates \$15,000.

§ 3. Emergency.

§ 2. How drawn.

(HOUSE BILL NO. 409. APPROVED JUNE 21, 1913.)

AN ACT *making an appropriation for rebuilding, repairing, equipping and furnishing, the bakery building at the Kankakee State Hospital, destroyed by fire on April 4, 1913.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the Board of Administration for rebuilding, repairing, equipping and furnishing, the bakery building at the Kankakee State Hospital, destroyed by fire on April 4, 1913, the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary for the purposes specified in this Act.

§ 2. The money appropriated shall be due and payable to the Board of Administration, or to its order, only on the terms and in the manner provided in "An Act to revise the laws relating to charities," approved June 11, 1912.

§ 3. WHEREAS, The appropriation hereinbefore provided is absolutely necessary to restore the institution to operative efficiency at the earliest possible time, therefore an emergency exists, and this Act shall take effect and be in force from and after its passage.

APPROVED June 21, 1913.

CHARITABLE—STATE INSTITUTIONS, ORDINARY.

Preamble.

§ 1. Appropriates \$3,713,495.03 for first year and \$4,191,142.39 for second year for ordinary expenses.

§ 2. Appropriates \$50,000 per annum for Industrial Home for Blind, Chicago, in lieu of collections.

§ 3. How drawn.

(HOUSE BILL NO. 124. APPROVED JUNE 24, 1913.)

AN ACT *making appropriations for the ordinary and other expenses of the State charitable institutions herein named.*

WHEREAS, Section 14 of "An Act to revise the laws relating to charities," approved June 11, 1912, in force July 1, 1912, provides that it is the duty of the Board of Administration, with the approval of the Governor, to present the needs of the several institutions under the care of said board to the Legislature, and it is, under said Act, the further duty of the fiscal supervisor and all other members of the Board of Administration, to present to the Legislature and to the Governor all such information regarding appropriations asked for as may be required; and

WHEREAS, All the ordinary or maintenance appropriations for such institutions shall be made to the Board of Administration to be used for the several institutions according to their varying needs; and

WHEREAS, The Board of Administration has presented the needs of the several institutions hereinafter named for the ordinary or maintenance appropriations for the two years beginning July 1, 1913, as follows:

ELGIN STATE HOSPITAL.

	For First Year.	For Second Year.
For ordinary operating expenses.....	\$256,093.92	\$276,677.40
For ordinary repairs and improvements..	35,000.00	35,000.00
For ordinary care and improvement of grounds	2,000.00	2,000.00

KANKAKEE STATE HOSPITAL.

For ordinary operating expenses.....	445,570.00	512,089.00
For ordinary repairs and improvements..	64,000.00	64,000.00
For ordinary care and improvement of grounds	2,500.00	2,500.00

PSYCHOPATHIC INSTITUTE, KANKAKEE.

For ordinary operating expenses.....	17,300.00	17,300.00
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JACKSONVILLE STATE HOSPITAL.

For ordinary operating expenses.....	242,613.60	283,972.50
For ordinary repairs and improvements..	25,000.00	25,000.00
For ordinary care and improvement of grounds	2,000.00	2,000.00

ANNA STATE HOSPITAL.

For ordinary operating expenses.....	250,846.00	294,508.00
For ordinary repairs and improvements..	25,000.00	25,000.00
For ordinary care and improvement of grounds	2,000.00	2,000.00

WATERTOWN STATE HOSPITAL.

For ordinary operating expenses.....	196,013.51	237,882.69
For ordinary repairs and improvements..	20,000.00	20,000.00
For ordinary care and improvement of grounds	2,000.00	2,000.00

PEORIA STATE HOSPITAL.

For ordinary operating expenses.....	392,506.20	412,595.10
For ordinary repairs and improvements..	35,000.00	35,000.00
For ordinary care and improvement of grounds	7,500.00	7,500.00

CHESTER STATE HOSPITAL.

	For First Year.	For Second Year.
For ordinary operating expenses.....	\$ 43,516.00	\$ 45,408.00
For ordinary repairs and improvements..	3,200.00	3,200.00
For ordinary care and improvement of grounds	500.00	500.00

CHICAGO STATE HOSPITAL.

For ordinary operating expenses.....	478,620.00	487,620.00
For ordinary repairs and improvements..	55,000.00	55,000.00
For ordinary care and improvement of grounds	2,500.00	2,500.00

LINCOLN STATE SCHOOL AND COLONY.

For ordinary operating expenses.....	172,930.00	269,792.00
For ordinary repairs and improvements..	30,000.00	30,000.00
For ordinary care and improvement of grounds	2,000.00	2,000.00

THE ILLINOIS SCHOOL FOR THE DEAF.

For ordinary operating expenses.....	119,956.40	133,050.60
For ordinary repairs and improvements..	8,000.00	8,000.00
For ordinary care and improvement of grounds	1,000.00	1,000.00

THE ILLINOIS SCHOOL FOR THE BLIND.

For ordinary operating expenses.....	68,363.40	68,363.40
For ordinary repairs and improvements..	3,500.00	3,500.00
For ordinary care and improvement of grounds	500.00	500.00

THE ILLINOIS INDUSTRIAL HOME FOR THE BLIND.

For ordinary operating expenses.....	29,644.00	29,644.00
For ordinary repairs and improvements..	1,000.00	1,000.00
For ordinary care and improvement of grounds	100.00	100.00
For ordinary repairs and improvement of factory	1,500.00	1,500.00

THE ILLINOIS SOLDIERS' AND SAILORS' HOME.

	For First Year.	For Second Year.
For ordinary operating expenses.....	\$218,652.00	\$215,528.40
For ordinary repairs and improvements..	24,000.00	20,000.00
For ordinary care and improvement of grounds	2,000.00	2,000.00

THE SOLDIERS' WIDOWS' HOME OF ILLINOIS.

For ordinary operating expenses.....	45,332.50	45,332.50
For ordinary repairs and improvements..	2,250.00	2,250.00
For ordinary care and improvement of grounds	1,000.00	1,000.00

THE ILLINOIS SOLDIERS' ORPHANS' HOME.

For ordinary operating expenses.....	72,101.50	85,890.80
For ordinary repairs and improvements..	7,000.00	4,000.00
For ordinary care and improvement of grounds	600.00	600.00

THE ILLINOIS CHARITABLE EYE AND EAR INFIRMARY.

For ordinary operating expenses.....	47,252.00	53,752.00
For ordinary repairs and improvements..	4,500.00	4,500.00

THE STATE TRAINING SCHOOL FOR GIRLS.

For ordinary operating expenses.....	81,930.00	116,930.00
For ordinary repairs and improvements..	11,000.00	11,000.00
For ordinary care and improvement of grounds	2,500.00	2,500.00

THE ST. CHARLES SCHOOL FOR BOYS.

For ordinary operating expenses.....	140,104.00	217,656.00
For ordinary repairs and improvements..	7,000.00	7,000.00
For ordinary care and improvement of grounds	1,500.00	1,500.00

SECTION 1. *Now, therefore, be it enacted by the People of the State of Illinois, represented in the General Assembly: That there be and is hereby appropriated to the Board of Administration for the purpose of defraying the ordinary and other expenses of the State charitable institutions under the control of said board, for the two years beginning July*

1, 1913, and until the expiration of the first fiscal quarter after the adjournment of the next General Assembly, the sum of \$7,904,637.42, as follows:

	First Year.	Second Year.
For ordinary operating expenses.....	\$3,319,345.03	\$3,803,992.39
For ordinary repairs and improvements..	361,950.00	354,950.00
For ordinary care and improvement of grounds	32,200.00	32,200.00
Total	\$3,713,495.03	\$4,191,142.39

All of said moneys so appropriated shall be for the use of the several institutions to be used by the Board of Administration according to the varying needs of such institutions.

§ 2. There is also appropriated to the Board of Administration for the purchase of raw material and other expenses of the broom factory at the Illinois Industrial Home for the Blind, at Chicago, the sum of \$50,000 per annum in lieu of collections made by the managing officer of that institution for the sale of manufactured products, which collections shall be transmitted monthly to the State treasury.

§ 3. All moneys appropriated shall be due and payable to the Board of Administration, or to its order, only on the terms and in the manner provided in an "Act to revise the laws relating to charities," approved June 11, 1912.

APPROVED June 24, 1913.

CHARITABLE—STATE INSTITUTIONS, SPECIAL.

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| <p>§ 1. Appropriates \$2,636,405.47 to Board of Administration to be apportioned between institutions named and for purposes specified.</p> <p>§ 2. How drawn.</p> <p>§ 3. Reappropriates unexpended balance for water supply at Anna State Hospital.</p> | <p>§ 4. Reappropriates unexpended balance for Alton State Hospital.</p> <p>§ 5. Reappropriates unexpended balances for certain institutions.</p> <p>§ 6. Reappropriation of \$75,000 for Surgical Institution for Children [vetoed].</p> |
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(HOUSE BILL NO. 125. APPROVED JUNE 25, 1913.)

AN ACT *making appropriations for the State charitable institutions herein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the Board of Administration for the purpose herein stated, for the two years beginning July 1, 1913, and until the expiration of the first fiscal quarter after the adjournment of the next General Assembly, the sum of two million eight hundred thirty-four thousand nine hundred five dollars and forty-seven cents (\$2,834,905.47), *[\$2,636,405.47] to be apportioned between the institutions as follows:

ELGIN STATE HOSPITAL.

For new boiler plant, power house and equipment	\$90,500.00
For psychopathic building for men	35,000.00
For building for employees	26,000.00

KANKAKEE STATE HOSPITAL.

For laundry building	\$35,000.00
For roof for boiler house	18,000.00
For cottages for the tubercular patients	20,000.00
For contagious disease building	10,000.00
For cow barn	15,000.00
For horses	1,000.00
For building for male employees.....	90,000.00
For water system	20,000.00
For blacksmith shop	6,000.00
For building tunnel	1,750.00
For warehouse for tools	10,000.00
For iron radiator covers	15,000.00
For domestic hot water heater	1,200.00
For pressure tank for elevators	1,600.00
For brine system for cold storage	3,500.00
For dairy herd	3,500.00

JACKSONVILLE STATE HOSPITAL.

*For new kitchen and enlarging amusement hall [vetoed]	35,000.00
For coal shed	6,000.00
For crushed rock for driveways	3,000.00
For repaving South Main street	8,950.00
For burial lots	1,740.00
For rewiring buildings	1,500.00

ANNA STATE HOSPITAL.

*For employees' quarters [vetoed].....	50,000.00
For tuberculosis hospital	18,000.00
For tunnel to connect buildings	20,000.00
For cement walks	2,400.00
For cow barn and silo	6,000.00
For extension of coal sheds	2,500.00
For horses	2,000.00
For sewer, sewer pipe line and septic tank.....	4,500.00

WATERTOWN STATE HOSPITAL.

For building for women employees	50,000.00
For cottage for male tubercular patients	18,000.00
For farm land	22,000.00
For water supply from the river	15,500.00
For boilers	18,000.00
For brick smoke stack	5,500.00
For sanitary dairy barn	10,000.00
For tool and implement house	1,500.00
For tunnel connecting annex with administration building	1,800.00

PEORIA STATE HOSPITAL.

For receiving cottage for men	\$ 30,000.00
For amusement hall and chapel	30,000.00
For morgue and laboratory	9,000.00
For the repair of old farm houses	2,000.00
For installation of electric irons	1,000.00
Paint shop	2,000.00
For farm land	17,000.00
For repair of septic tank	1,000.00
For draft horses	1,500.00
For X-Ray machine and equipment	1,500.00
For sterilizing outfit	1,500.00
For four 300-h. p. boilers and equipment	30,000.00
For two new stokers for geary boilers	3,500.00
For smoke stack	5,000.00
For breeching and ash handling machinery	4,000.00
For ice and refrigeration machine	7,500.00
For electrical extension	2,000.00
For asbestos covering for steam pipes	2,000.00
For metal work, guttering and spouts	3,000.00
For fencing	500.00
For improving laundry	3,200.00
*For water system at farm colony [vetoed]	8,500.00
For new roof and alterations in boiler house necessary to install new boilers	8,500.00

CHESTER STATE HOSPITAL.

For silo and equipment	500.00
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CHICAGO STATE HOSPITAL.

For heat, light, power, ventilating and cold storage plant	164,000.00
For receiving service building	275,000.00
For cottages to replace infirmary wards	150,000.00
For nurses' home	90,000.00
For laundry machinery	15,000.00
For floors, ceilings, locks and fire escapes	22,000.00
For plumbing	10,000.00
For root cellar	2,000.00
For furniture	12,000.00
For painting	12,000.00
For fences	2,300.00

ALTON, STATE HOSPITAL.

For the erection of buildings, other improvements, super- vision and care of property	205,000.00
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LINCOLN STATE SCHOOL AND COLONY.

For roofing boiler house	2,500.00
For coal conveyor	2,500.00
For guttering and cornicing main building.....	5,000.00
For tile floors	6,000.00
For two cottages for boys	50,000.00
For sanitary dairy barn	10,000.00
For equipment and furnishings for south hospital.....	8,000.00
For cottages for tubercular inmates	18,000.00

STATE COLONY FOR EPILEPTICS.

For purchase of site, drawing plans and the preliminary construction of new buildings	500,000.00
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THE ILLINOIS SCHOOL FOR THE DEAF.

For vegetable cellar	2,000.00
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THE ILLINOIS SCHOOL FOR THE BLIND.

For slate roof	1,200.00
For store house building and cold storage.....	6,500.00
For free circulating library	1,600.00
For new wind chest, new action and electric motive power for pipe organ	1,400.00
For text books and apparatus	2,000.00

THE ILLINOIS INDUSTRIAL HOME FOR THE BLIND.

For new gas ranges	1,000.00
For store and linen room	2,500.00
For water supply pipes and pump	250.00
For new toilet fixtures, plumbing and terrazzo floors....	2,000.00
For new warehouse	10,000.00
For working capital for 1913	10,000.00
For working capital for 1914	10,000.00
*For purchase of land, drawing plans and preliminary construction of new buildings, for the establishment of a colony for the blind and blind families [vetoed].....	25,000.00

THE ILLINOIS SOLDIERS' AND SAILORS' HOME.

For improvement of cemetery	4,000.00
For extension of refrigerating plant	3,100.00
For new roof on headquarters building	1,380.00
For tool and stock house	5,000.00
Fence	2,300.00

THE SOLDIERS' WIDOWS' HOME OF ILLINOIS.

*For new boiler house and boilers [vetoed].....	5,000.00
For horse barn	1,000.00

THE ILLINOIS SOLDIERS' ORPHANS' HOME.

For concrete floors in dish wash rooms and kitchen.....	1,800.00
For rebuilding green house	2,000.00
For main water pipe from pumping station to storage tank	2,000.00
For improving water system	10,000.00
For replacing old steam and water pipes.....	4,000.00
For new barn	2,500.00

THE STATE TRAINING SCHOOL FOR GIRLS.

For sanitary dairy barn and equipment	8,000.00
For farm house and equipment, for male employees.....	16,000.00
For septic tanks	6,000.00
For enlarging chapel	6,000.00
For infirmary, hospital, medical work and supplies	8,000.00
For extension of fire mains	1,250.00
For concrete tunnel, piping and wiring	15,000.00
For balance due Chicago & Northwestern Railroad Com- pany on switch track	1,066.47
For automatic door openers	4,619.00

THE ST. CHARLES SCHOOL FOR BOYS.

For walks	1,500.00
For sewers and drains	2,000.00
For three new cottages and furnishing same.....	78,000.00
For three new farm cottages and furnishings.....	45,000.00
For refrigerating plant and insulation	8,000.00
For additional laundry equipment	1,500.00
For air compressor, feed water header and engine lathe..	3,300.00
For equipment for printing department	200.00
For barns	8,000.00
For addition to school building.....	28,000.00
For clock for school house tower	500.00
For chapel and assembly hall	27,500.00
For reconstruction of barn on farm A destroyed by fire and damage to cottage	3,000.00

§ 2. All moneys appropriated shall be due and payable to the Board of Administration, or to its order, only on the terms and in the manner provided in "An Act to revise the laws relating to charities," approved June 11, 1912.

§ 3. There is reappropriated to the Board of Administration, for the purpose of carrying out the provisions of "An Act making an appropriation for a water supply for the Anna State Hospital," approved June 2, 1911, so much of the sum of \$135,000.00 appropriated in and

by said Act for the purpose in said Act specified, as shall not be expended on or before the thirtieth day of September, A. D. 1913, payable from the State treasury in accordance with the provisions of said Act.

§ 4. There is reappropriated to the Board of Administration, for the purpose of carrying out the provisions of "An Act making an appropriation for the purchase of ground and the erection of buildings for the new insane hospital," approved May 31, 1911, so much of the sum of \$500,000 appropriated in and by said Act for the purpose in said Act specified as shall not be expended on or before the thirtieth day of September, A. D. 1913, payable from the State treasury in accordance with the provisions of said Act.

§ 5. That there is reappropriated to the Board of Administration, so much of the sums hereinafter named, appropriated in and by "An Act making appropriations for the State charitable institutions herein named," approved June 7, 1911, as shall not be expended on or before the thirtieth day of September, A. D. 1913, payable from the State treasury in accordance with the provisions of said Act, as follows:

KANKAKEE STATE HOSPITAL.

For converting cottage No. 5 into a nurses' home..... \$ 25,000.00

ANNA STATE HOSPITAL.

For infirmary for women..... \$ 50,000.00

WATERTOWN STATE HOSPITAL.

For rebuilding Assembly Hall \$ 25,000.00

For new building 50,000.00

CHICAGO STATE HOSPITAL, DUNNING.

New buildings and wrecking old almshouse and tubercular building \$110,000.00

§ 6. *There is reappropriated to the Board of Administration for the purpose of carrying out the provisions of "An Act making an appropriation for the Illinois Surgical Institution for Children in the State of Illinois," approved June 6, 1911, the sum of sixty thousand dollars (\$60,000.00) for the purpose of constructing a suitable hospital building, and also the sum of fifteen thousand dollars (\$15,000.00) for furnishing said building, the appropriations to be payable from the State treasury in accordance with the provisions of said Act. [Vetoed.]

APPROVED June 25, 1913.

I hereby certify that the foregoing Act, as printed above, except the words and figures in brackets, is a correct copy of House Bill No. 125, as enrolled and submitted to the Governor for his approval. The items marked with a star (), to wit: (Jacksonville State Hospital), "For new kitchen and enlarging amusement hall, thirty-five thousand dollars (\$35,000)"; (Anna State Hospital), "For employees' quarters, fifty thousand dollars (\$50,000)"; (Peoria State Hospital), "For water system at farm colony, eight thousand five hundred dollars (\$8,500)"; (The Illinois Industrial Home for the Blind), "For purchase of land, drawing plans and preliminary construction of new buildings, for the establishment of a colony for the blind and blind families, twenty-five thousand dollars (\$25,000)"; (The Soldiers' Widows' Home of Illinois), "For new boiler house and boilers, five thousand dollars (\$5,000)" and section 6 of said Act, as above printed, were vetoed by the governor, by which action the total appropriation to the Board of Administration, for the purposes stated in this Act, is reduced from \$2,834,905.47 as printed above to \$2,636,405.47.

CHIEF INSPECTOR OF PRIVATE EMPLOYMENT AGENCIES, DEFICIENCY.

- § 1. Appropriates \$600 for expenses to July 1st. | § 3. Emergency.
§ 2. How drawn.

(SENATE BILL NO. 47. APPROVED APRIL 25, 1913.)

AN ACT *to provide for a deficiency in the office and other expenses of the Chief Inspector of Private Employment Agencies for the fiscal year ending June 30, 1913.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of six hundred dollars (\$600.00) or as much thereof as may be necessary, be and is hereby appropriated for the purpose of meeting the office and other expenses of the Chief Inspector of Licensed Employment Agencies for the fiscal year ending June 30, 1913.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the sum herein appropriated upon the presentation of proper vouchers certified to by the Chief Inspector of Private Employment Agencies and approved by the Governor, which warrants shall be payable out of any moneys in the State treasury not otherwise appropriated.

§ 3. WHEREAS, Said sum of money is immediately required, therefore an emergency exists and this Act shall take effect from and after its passage.

APPROVED April 25, 1913.

DAIRYMEN'S ASSOCIATION.

- § 1. Appropriates \$2,500 per annum. | § 2. How drawn.

(HOUSE BILL NO. 418. APPROVED JUNE 25, 1913.)

AN ACT *making an appropriation for the Illinois Dairymen's Association.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of two thousand five hundred dollars (\$2,500.00) per annum for the years 1913 and 1914 be, and the same is hereby appropriated to the said dairymen's association in compiling, publishing and distributing its reports, and other necessary expenses.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the sum specified in this Act, on bills of particulars certified to by the officials of said dairymen's association to the order of the president of said association, and the State Treasurer shall pay same out of any funds in the treasury not otherwise appropriated.

APPROVED June 25, 1913.

EDUCATIONAL—NORMAL SCHOOLS, ORDINARY AND SPECIAL.

- | | |
|---|---|
| <p>§ 1. Appropriates sums hereinafter named to total of \$1,235,500.</p> <p>§ 2. Northern Normal—\$93,500 per annum and \$130,500.</p> <p>§ 3. State Normal—\$130,000 per annum and \$87,000.</p> <p>§ 4. Eastern Normal—\$81,000 per annum and \$23,000.</p> | <p>§ 5. Southern Normal—\$80,000 per annum and \$64,000 and street paving tax not to exceed \$3,500.</p> <p>§ 6. Western Normal—\$74,250 per annum and \$10,000.</p> <p>§ 7. How drawn.</p> |
|---|---|

(SENATE BILL NO. 694. APPROVED JUNE 25, 1913.)

AN ACT making appropriations for the five State normal schools of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be and are hereby appropriated to the several State normals hereinafter named for the biennium beginning July 1, 1913.

§ 2. To the Northern Illinois State Normal School at DeKalb, Illinois, the following sums for the purposes herein stated:

For science laboratory, \$1,000 per annum.....	\$ 2,000.00
For library, \$1,000 per annum.....	2,000.00
For grounds, school garden and green houses, \$1,500 per annum	3,000.00
For extraordinary repairs in main building.....	2,500.00
For manual training room and domestic science room in practice school.....	3,000.00
For the erection and furnishing of a woman's dormitory	125,000.00
For the purpose of defraying the ordinary expenses of said State normal, the sum of \$90,000 per annum.....	180,000.00

§ 3. To the Illinois State Normal University at Normal, Illinois, the following sums for the purposes herein stated:

For equipping and furnishing the new training school building	\$11,350.00
For converting old training school building into a library	12,000.00
For painting outside woodwork and interior walls of old buildings and for alterations and extraordinary repairs.	5,988.00
For a telephone system throughout the various buildings..	1,000.00
For farm buildings, live stock and machinery.....	22,000.00
For water main and sewer in Main street along grounds of the State Normal University.....	912.00
For grading and concrete walks.....	1,500.00
For equipping commercial department.....	1,000.00
For additional apparatus—biology and manual training..	1,250.00
For rebuilding the heating plant.....	30,000.00

For the purpose of defraying the ordinary expenses of said State normal, in addition to one-half of the interest of the college and seminary fund, which is hereby appropriated, the further sum of \$130,000 per annum..... \$260,000.00

§ 4. To the Eastern Illinois State Normal School at Charleston, Illinois, the following sums, for the purposes herein stated:

For library, \$1,000 per annum.....	\$ 2,000.00
For laboratory.....	1,500.00
For grounds.....	1,500.00
For finishing and furnishing model school and manual arts building.....	20,000.00

For the purpose of defraying the ordinary expenses of said State normal, the sum of \$80,000 per annum..... 160,000.00

§ 5. To the Southern Illinois State Normal University at Carbondale, Illinois, the following sums for the purposes herein stated:

For new heating plant, including change of site; installation of an electric dynamo, connecting the same with the grounds and the several buildings; the sinking of a deep well, and connecting same with the several buildings, and the building of a railroad switch from the main line of the I. C. R. R. to said heating plant..... \$ 50,000.00

For completing the agricultural equipment for the farm and the laboratories of the department..... 10,000.00

For a typical farm house on the State farm..... 4,000.00

For the purpose of paying one-half the cost of paving the street in front of the State Normal School at Carbondale, a sum not to exceed \$3,500.00, to be paid upon the presentation of a duly certified assessment roll showing frontage and number of yards of pavement actually to be paid after the said pavement is duly accepted by the proper officers of the city of Carbondale.

For the purpose of defraying the ordinary expenses of said State normal, in addition to one-half of the interest of the college and seminary fund, which is hereby appropriated, the additional sum of \$80,000.00 per annum... 160,000.00

§ 6. To the Western Illinois Normal School at Macomb, Illinois, the following sums, for the purposes herein stated:

For repairs of building and equipment, per annum.....	\$ 2,000.00
For expenses of trustees, per annum.....	250.00
For addition to the library, per annum.....	1,000.00
For care and improvement of the grounds, per annum....	1,000.00
For furnishing of the new woman's building.....	10,000.00

For the purpose of defraying the ordinary expenses of said State normal, the sum of \$70,000.00 per annum..... 140,000.00

§ 7. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants from time to time upon the State Treasurer for amounts expended or bills then due from the sums herein appropri-

ated, payable severally to the persons named, upon the presentation of itemized vouchers therefor, certified to by the president or principal of the respective State normals herein named, and approved by the president or secretary of the board of trustees of said respective State normals.

APPROVED June 25, 1913.

EDUCATIONAL—UNIVERSITY OF ILLINOIS, ENDOWMENT FUND.

§ 1 Appropriates money accrued under Acts of 1890 and 1907. | § 2. How drawn.

(SENATE BILL NO. 686. APPROVED JUNE 21, 1913.)

AN ACT *appropriating to the Trustees of the University of Illinois the money granted in an Act of Congress, approved August 30, 1890, entitled, "An Act to apply a portion of the proceeds of the public lands to the more perfect endowment and support of the colleges for the benefit of agriculture and mechanic arts," established under the provisions of an Act of Congress, approved July 2, 1862, and the money granted by an Act of Congress, approved March 4, 1907, entitled, "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908."*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum or sums of money which may have accrued or may hereafter before the first day of July, 1915, accrue to the State of Illinois, under the provisions of an Act of Congress of the United States, approved August 30, 1890, entitled, "An Act to apply a portion of the proceeds of the public lands to the more perfect endowment and support of the colleges for the benefit of agriculture and the mechanic arts," established under an Act of Congress, approved July 2, 1862; and the money granted by an Act of Congress, approved March 4, 1907, entitled, "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908," are hereby appropriated to the Trustees of the University of Illinois, and whenever any portion of the said money shall be received by the State Treasurer it shall immediately be due and payable into the treasury of said board of trustees.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sums hereby appropriated, upon the order of the chairman of the Board of Trustees of said University, countersigned by its secretary and with the corporate seal of said University.

APPROVED June 21, 1913.

EDUCATIONAL—UNIVERSITY OF ILLINOIS, GENERAL.

§ 1. Appropriates \$1,600,000 per annum for maintenance, etc., and \$650,000 per annum for land and buildings.

§ 2. Payable under Act of 1911—how drawn.

(SENATE BILL NO. 675. APPROVED JUNE 24, 1913.)

AN ACT *making appropriations for the University of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the University of Illinois for the biennium beginning July 1, 1913, the sum of four million five hundred thousand dollars (\$4,500,000) payable out of money paid into the State treasury and set apart as a fund for the use and maintenance of the University of Illinois, in accordance with an Act entitled, "An Act to provide by State tax for a fund for the support and maintenance of the University of Illinois," approved June 10, 1911, in force July 1, 1911, payable as follows:

1. For maintenance, equipment and general operating expenses, the sum of one million six hundred thousand dollars (\$1,600,000) per annum.

2. For the purchase of land and the erection and permanent equipment of buildings, the sum of six hundred fifty thousand dollars (\$650,000) per annum.

§ 2. The appropriations made herein shall be paid only out of moneys paid into the State treasury and set apart for the use and maintenance of the University of Illinois in accordance with the provisions of an Act entitled, "An Act to provide by State tax for a fund for the support and maintenance of the University of Illinois," approved June 10, 1911, in force July 1, 1911.

The Auditor of Public Accounts is hereby authorized and directed to draw his warrants from time to time upon the State Treasurer, for amounts expended or bills then due, from the sums herein appropriated, payable severally to the persons named, upon the presentation of itemized vouchers therefor, certified to by the president and secretary of the Board of Trustees of the University of Illinois, with the corporate seal of the University attached thereto.

APPROVED June 24, 1913.

EXPOSITION—PANAMA-PACIFIC, SAN FRANCISCO, 1915.

§ 1. Appropriates \$300,000.

§ 2. How drawn.

(SENATE BILL NO. 682. APPROVED JUNE 19, 1913.)

AN ACT *to make an appropriation for the representation of the State of Illinois at the Panama-Pacific International Exposition to be held at San Francisco, California, in the year 1915.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of three hundred thousand dollars (\$300,000.00) or so much thereof as may be necessary,

be and is hereby appropriated out of any money in the State treasury not otherwise appropriated, to the Panama-Pacific International Exposition Commissioner for the purpose of constructing a building or buildings and providing for exhibits and representations by the State of Illinois, and paying for the same, and for the payment of expenses of the commissioner, and for all other expenses connected with and incident to the Illinois exhibit at the Panama-Pacific International Exposition to be held at San Francisco, California, in the year 1915.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer from time to time for such amounts of the sum herein appropriated as may be deemed necessary, upon the presentation of itemized vouchers approved by the Panama-Pacific International Exposition Commissioner, and the State Treasurer shall pay the same out of any money herein appropriated.

APPROVED June 19, 1913.

FIREMEN'S ASSOCIATION.

Preamble.

§ 2. How drawn.

§ 1. Appropriates \$1,000 per annum.

(HOUSE BILL NO. 480. APPROVED JUNE 21, 1913.)

AN ACT to make an appropriation for the benefit, aid and maintenance of the Illinois Firemen's Association.

WHEREAS, The Illinois Firemen's Association is an organization representing the firemen, especially the volunteer firemen of the State, and is organized under the laws of this State; and

WHEREAS, The aims of the Illinois Firemen's Association are the education of firemen in the fire service, and the betterment of the service in the several towns and cities of the State, for which purpose annual meetings are held for the discussion of topics on the subject, and the hearing of suggestions that are of great value to the membership (made up of the fire department[s] of the State of Illinois).

THEREFORE, To help sustain this organization in the holding of its annual meetings and the printing of its reports, and to otherwise promote the usefulness of this meritorious organization, the fire fighters, who voluntarily give their service in the protection of lives and homes:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the Illinois Firemen's Association the following sums, to-wit: For the printing and distribution of its programs, its annual report of proceedings, organization, postage, stationery, expenses of the annual meeting, the dissemination of information pertaining to the business of the organization, the sum of one thousand dollars (\$1,000) per annum.

No part of the said one thousand dollars (\$1,000) shall be paid as salary to any officer of the Illinois Firemen's Association. The secretary

and treasurer of the association shall make an annual statement to the Governor on or before January 1st of each and every year, of the disposition of the said appropriation.

§ 2. The State Auditor is hereby authorized to draw his warrant for the sum herein specified, and to deliver the same to the president and treasurer of the Illinois Firemen's Association upon their presenting proper vouchers for the same, signed by the president and secretary of said association, and the State Treasurer shall pay out of any money in the State treasury not otherwise appropriated.

APPROVED June 21, 1913.

FT. CHARTRES STATE PARK.

Preamble.

§ 1. Appropriates \$4,000.

§ 2. Illinois Park Commission to obtain title—conveyance—deeds, etc., filed with Secretary of State.

§ 3. Power of eminent domain—supervision by Attorney General.

§ 4. Proceedings under Act of 1911.

(HOUSE BILL NO. 400. APPROVED JUNE 25, 1913.)

AN ACT making an appropriation for the purpose of rebuilding and preserving the walls of ancient Ft. Chartres, of preserving and strengthening its old powder magazine, and for the purpose of making and creating a State park upon the site of this ancient fort.

WHEREAS, The first permanent civilization in the upper Mississippi valley was planted at Ft. Chartres in the county of Randolph in the State of Illinois, in the year 1718; and

WHEREAS, Said fort was the seat of government of both France and Great Britain until 1778 when Colonel George Rogers Clark captured for the Americans the settlements of Illinois from the British, and made possible the upbuilding of our Great Commonwealth; and

WHEREAS, The foundation walls of said fort, its stone powder magazine and its wells are still intact; and

WHEREAS, It is eminently fitting that the Commonwealth of Illinois preserve said historic site; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and hereby is appropriated the sum of \$4,000, for the purpose of rebuilding and preserving the walls of ancient Ft. Chartres, of preserving and strengthening its old powder magazine, and for the purpose of making and creating a State park upon the site of this ancient fort.

§ 2. The Illinois Park Commission is hereby authorized and empowered to obtain title to so much of said land, upon which is located old Fort Chartres as it may deem necessary. The conveyance of such

title after such title has been passed upon and approved, shall be taken in the name of the people of the State of Illinois and the title, deeds and other evidence of title shall be deposited in the office of the Secretary of State.

§ 3. In case the Illinois Park Commission cannot acquire title to the land necessary for such public park at a reasonable price in the opinion of said commission, then the said commission is hereby vested with power, in the name of the People of the State of Illinois, to obtain title to such land, or to any part or parcel thereof, by condemnation under the eminent domain laws of this State: *Provided*, that all negotiations and legal proceedings provided for by this Act shall be under the direct supervision of the Attorney General of this State.

§ 4. In carrying out the provisions of this Act the said park commission, shall in all things and in all of its transactions be governed by section 2 of "An Act in relation to the acquisition, control, maintenance, and protection of State parks, and making an appropriation to carry into effect the provisions of this Act," approved June 10, 1911, in force June 10, [July 1], 1911, and all Acts amendatory thereto.

APPROVED June 25, 1913.

FUGITIVES FROM JUSTICE—DEFICIENCY.

§ 1. Appropriates \$10,000.

§ 3. Emergency.

§ 2. How drawn.

(SENATE BILL NO. 192. APPROVED APRIL 18, 1913.)

AN ACT making an appropriation to meet the deficiency in the appropriation for the payment of expenses for the apprehension and delivery of fugitives from justice.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$10,000 be and is hereby appropriated for the payment of the expenses provided by law for the apprehension and delivery of fugitives from justice already incurred and to incur up to the first day of July, 1913.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sum herein specified upon presentation of vouchers certified in the manner now provided by law.

§ 3. WHEREAS, The appropriation above recited is necessary to meet the expenses already incurred and to incur up to the first day of July, 1913; therefore an emergency exists and this Act shall be in force and take effect from and after its passage.

APPROVED April 18, 1913.

GENERAL ASSEMBLY, 48TH—COMMITTEE EXPENSES, (1).

§ 1. Appropriates \$5,000.

§ 3. Emergency.

§ 2. How drawn.

(SENATE BILL NO. 350. APPROVED MAY 9, 1913.)

AN ACT *making an appropriation to pay the expenses of the committees of the 48th General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary to pay the expenses of the committees of the 48th General Assembly.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the sum herein specified, upon presentation of proper vouchers certified by the chairman of the committee incurring the expenses and the presiding officer of that branch of the General Assembly appointing the committee.

§ 3. The appropriation above recited is necessary for the payment of the expenses of the committees of the Forty-eighth General Assembly now being incurred in the transaction of business assigned to said committees. Therefore an emergency exists, and this Act shall take effect from and after its passage.

APPROVED May 9, 1913.

GENERAL ASSEMBLY, 48TH—COMMITTEE EXPENSES, (2).

§ 1. Appropriates \$10,000.

§ 3. Emergency.

§ 2. How drawn.

(HOUSE BILL NO. 921. APPROVED JUNE 25, 1913.)

AN ACT *making an appropriation to pay the expenses of the committees of the Forty-eighth General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary to pay the expenses of the standing committees of the Forty-eighth General Assembly, for which no specific appropriation has been made.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the sum herein specified, upon presentation of proper vouchers certified by the chairman of the committee incurring the expenses and the presiding officer of that branch of the General Assembly appointing the committee.

§ 3. The appropriation above recited is necessary for the payment of the expenses of the committees of the Forty-eighth General Assembly

now being incurred in the transaction of business assigned to said committees. Therefore an emergency exists, and this Act shall take effect from and after its passage.

APPROVED June 25, 1913.

GENERAL ASSEMBLY, 48TH—COMMITTEE EXPENSES, ELECTION CONTESTS.

§ 1. Appropriates \$57,182.46 as follows: House committee expenses, \$48,949.27; Senate, \$8,233.19.

§ 2. How drawn.

(HOUSE BILL No. 922. APPROVED JULY 3, 1913.)

AN ACT to make an appropriation to pay the Elections Committee expenses of the Forty-eighth General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of sixty-five thousand, one hundred and eleven dollars and six cents (\$65,111.06), *[\$57,182.46], or so much thereof as may be necessary, be and the same is hereby appropriated to pay the expenses of the elections committees of the Forty-eighth General Assembly, and that the said sum so appropriated shall be used for the following purposes:

FOR HOUSE ELECTIONS COMMITTEE.

SECOND DISTRICT.

Frank J. McNichols, a sitting member, for expenses.....	\$350.00
G. A. Curran, attorney's fees for F. J. McNichols.....	500.00
John F. McCarty, a sitting member, for expenses.....	350.00
Leo. J. Doyle, attorney's fees for John F. McCarty.....	500.00
Frank J. Snite, a sitting member, for expenses.....	350.00
Joel F. Longnecker, attorney's fees for F. J. Snite.....	500.00

EXPENSES OF SUB-COMMITTEE.

R. J. Casserman, as member of sub-committee.....	14.65
R. S. Jones, as member of sub-committee.....	18.65
F. A. Garesche, as member of sub-committee.....	18.50
A. N. Abbott, as member of sub-committee.....	10.00

THIRD DISTRICT—RECOUNT OF BALLOTS AND VOTING MACHINE VOTES.

Henry M. Ashton, formerly a sitting member, for expenses	194.25
M. W. Cagny, attorney's fees, for Henry M. Ashton.....	500.00
*John P. Walsh, a sitting member, for expenses [vetoed]..	350.00
Michael E. Maher, attorney's fees for J. P. Walsh.....	500.00
*F. E. J. Lloyd, a sitting member, for expenses [vetoed]..	350.00
Joel F. Longnecker, attorney's fees for F. E. J. Lloyd.....	500.00
Robert R. Jackson, successful contestant, for expenses.....	700.00

Albert B. George, attorney for Robert R. Jackson.....	\$500.00
*William Ostrom, contestee, for expenses [vetoed].....	500.00
*Burns & Traub, attorney's fees for William Ostrom [vetoed]	500.00

EXPENSES OF SUB-COMMITTEE—RECOUNT OF BALLOTS AND VOTING
MACHINE VOTES.

E. J. Smejkal, a member of sub-committee for expenses...	125.00
William G. Herman, clerk of sub-committee.....	100.00
James Melichar, clerk of sub-committee.....	30.00
Walter M. Provine, member of sub-committee, for expenses	26.41
G. F. Hershy, clerk sub-committee for Walter M. Provine..	100.00
R. J. Casserman, member of sub-committee, expenses.....	21.40
Otta A. Huber, clerk of sub-committee, for R. J. Casserman	100.00
*A. de Elton Peterson, reporter, for reporting [vetoed]....	280.15
*Jesse Hawkins, as clerk and messenger [vetoed].....	21.55
Margaret Felkey, services as stenographer.....	10.00
Violet Bourne, services as stenographer.....	10.00
William Isherwood, services as stenographer.....	10.00
*Lawrence King, bailiff, circuit court, Cook county [vetoed]	30.00
*J. J. Kroupa, attorney for sub-committee [vetoed].....	100.00

FOURTH DISTRICT.

*Hubert Kilens, sitting member, for expenses [vetoed]...	350.00
*Donald Grover, attorney's fees for Hubert Kilens [vetoed]	500.00
*Thomas A. Bowyer, a sitting member, for expenses [vetoed]	350.00
*Charles S. Wharton, attorney for Thomas A. Bowyer [vetoed]	500.00
*Geo. A. Hilton, a sitting member, expenses [vetoed].....	350.00
*Thos. J. Dawson, attorney's fees, for Geo. A. Hilton [vetoed]	500.00

SIXTH DISTRICT.

Charles S. Graves, a sitting member, for expenses.....	350.00
Harold L. Ickes, attorney for Charles S. Graves.....	500.00
Robert E. Wilson, a sitting member, for expenses.....	350.00
Thos. J. Dawson, attorney for R. E. Wilson.....	500.00
Joseph A. Weber, a sitting member, for expenses.....	350.00
Andrus & Trutter, attorneys for Joseph A. Weber.....	500.00
*William E. Anderson, contestant, for expenses [vetoed]..	480.00
*J. F. Burns, attorney for William E. Anderson [vetoed]..	500.00

EXPENSES OF SUB-COMMITTEE.

H. A. Foster, expenses, member of sub-committee.....	19.34
John J. McLaughlin, member of sub-committee.....	7.25
*John J. McGreal, clerk and stenographer [vetoed].....	399.15
*T. E. Wing, clerk and stenographer [vetoed].....	372.40

EIGHTH DISTRICT.

Fayette S. Munro, a sitting member, for expenses.....	\$150.15
Harold L. Ickes, attorney for F. S. Munro.....	500.00
B. J. Samuels, atty. for Edw. D. Shurtleff, expenses.....	35.00
B. J. Samuels, atty. for Edw. D. Shurtleff, expenses.....	35.00
Thos. E. Graham, a sitting member, for expenses.....	260.00
W. F. Weiss, atty. for Thos. E. Graham.....	500.00

NINTH DISTRICT.

Rudolph Stoklasa, a sitting member, for expenses.....	350.00
Otto Kerner, atty. for Rudolph Stoklasa.....	500.00
Henry Heizer, atty. for D. E. Shanahan, expenses.....	47.50
Henry Heizer, atty. for D. E. Shanahan.....	500.00
Robert J. Mulcahy, a sitting member, for expenses.....	350.00
Ross Hall, atty. for Robert J. Mulcahy.....	500.00

TENTH DISTRICT.

John A. Atwood, sitting member, expenses.....	100.00
John Coleman, sitting member, expenses.....	100.00
Andrew J. Lovejoy, a sitting member, expenses.....	350.00
Earl D. Reynolds, atty. for Andrew J. Lovejoy.....	500.00

ELEVENTH DISTRICT.

Robson Barron, a sitting member, expenses.....	181.75
Pines & Newman, attys. for Robson Barron.....	500.00
Henry F. Schuberth, a sitting member, for expenses.....	350.00
Thos. J. Dawson, atty. for Henry F. Schuberth.....	500.00
Frank J. Ryan, for expenses, sitting member.....	350.00
James J. O'Toole, atty. for Frank J. Ryan.....	500.00

THIRTEENTH DISTRICT.

Benton F. Kleeman, a sitting member, for expenses.....	307.90
Lewis C. Ball, atty. for Benton F. Kleeman.....	500.00
Seymour Stedman, a sitting member, for expenses.....	87.00
W. A. Cunnea, atty. for Seymour Stedman.....	500.00
Elmer Schnackenberg, a sitting member, for expenses.....	300.00
Joel F. Longnecker, atty. for Elmer Schnackenberg.....	500.00

NINETEENTH DISTRICT.

John J. McLaughlin, a sitting member, for expenses.....	350.00
Clare & Christensen, attorneys for John J. McLaughlin...	500.00
Joseph E. Blaha, a sitting member, for expenses.....	350.00
Charles B. Pavlicek, attorney for Joseph E. Blaha.....	500.00
Richard E. Sherman, a sitting member, for expenses.....	350.00
Joel F. Longnecker, atty. for Richard E. Sherman.....	500.00

TWENTIETH DISTRICT.

Israel Dudgeon, a sitting member, for expenses.....	\$350.00
Kern & Small, attys. for Israel Dudgeon.....	500.00
William H. Dunn, sitting member, for expenses.....	50.00
Joel F. Longnecker, atty. for William H. Dunn.....	500.00
Daniel O'Connell, a sitting member, for expenses.....	269.65
Cornelius Reardon, atty. for Daniel O'Connell.....	500.00

TWENTY-FIRST DISTRICT—RECOUNT OF BALLOTS.

Edwin T. Farrar, successful contestant, for expenses.....	700.00
Lewis C. Ball, atty. for Edwin T. Farrar.....	500.00
Benjamin M. Mitchell, a sitting member, for expenses.....	350.00
John J. Poulton, atty. for Benjamin Mitchell.....	500.00
John Grunau, a sitting member for expenses.....	350.00
Joel F. Longnecker, atty. for John Grunau.....	500.00
Harry W. Harris, formerly a sitting member, for expenses..	289.00
Cunnea & Christenson, attorneys for Harris, Henry W...	500.00

EXPENSES OF SUB-COMMITTEE—RECOUNT OF BALLOTS.

John Griffin, member of sub-committee, and for clerk hire..	200.00
Maurice J. Clarke, as member of sub-committee, clerk hire.	225.00
A. N. Abbott, member sub-committee, clerk hire.....	200.00
Edw. J. Walsh, stenographer for sub-committee.....	181.35
*Thos. J. Dawson, atty. for Walter W. Guy, contestee [vetoed]	350.00

TWENTY-THIRD DISTRICT.

George A. Miller, sitting member, for expenses.....	35.00
Young & Smith, attorneys for George A. Miller.....	500.00
Emil N. Zolla, sitting member for atty. fees to Charles Hughes, and expenses.....	390.00
Christian M. Madsen, sitting member for attorney's fees, W. A. Cunnea, attorney	400.00

TWENTY-NINTH DISTRICT.

Medill McCormick, a sitting member, for expenses.....	181.35
Harold L. Ickes, atty. for Medill McCormick.....	500.00
Patrick J. Sullivan, a sitting member, for expenses.....	350.00
Walter Lantz, atty. for Patrick J. Sullivan.....	500.00
James H. Farrell, a sitting member, for expenses.....	350.00
Walter Lantz, attorney for James H. Farrell.....	500.00

THIRTY-FIRST DISTRICT.

Franklin S. Catlin, a sitting member, for expenses.....	\$ 30.00
George H. Wood, atty. for Franklin S. Catlin.....	500.00
Harry L. Shaver, a sitting member, for expenses.....	180.00
E. I. Frankhauser, attorney for Harry L. Shaver.....	500.00
William McKinley, for expenses, sitting member.....	24.55
Francis McKeever, attorney for William McKinley.....	500.00

THIRTY-THIRD DISTRICT.

Thos. Campbell, a sitting member, for expenses and attorney fees, to G. C. Wenger.....	120.00
William Hartquist, a sitting member, for expenses.....	83.90
Harold L. Ickes, atty. for William Hartquist.....	500.00
Everett L. Wertz, a sitting member, for expenses.....	100.00
Geo. W. Wertz, Jr., atty. for Everett L. Wertz.....	500.00

THIRTY-FOURTH DISTRICT.

William T. Hollenbeck, a sitting member, for expenses....	300.00
H. R. Snively, atty. for Wm. T. Hollenbeck.....	500.00
Edward F. Poorman, a sitting member, for expenses.....	300.00
James W. Craig, atty. for Edw. F. Poorman.....	500.00
Polk B. Briscoe, a sitting member, for expenses.....	300.00
A. Summerlin, atty. for Polk B. Briscoe.....	500.00

THIRTY-NINTH DISTRICT.

Ole Benson, a sitting member, for expenses.....	200.00
Harold L. Richelson, atty. for Ole Benson.....	500.00
William Scanlan, a sitting member, for expenses.....	250.00
John J. Massieon, atty. for William Scanlan.....	500.00
Lee O'Neil Browne, a sitting member, for expenses.....	250.00
Harold Richelson, atty. for Lee O'Neil Browne.....	500.00

FORTY-FIRST DISTRICT—RECOUNT OF BALLOTS.

Michael F. Hennebry, sitting member, and contestee, expenses	1,250.00
D. D. Donahue, and Mooney & Bowles, attys. for Michael F. Hennebry	500.00
George B. Boardman, successful contestant.....	1,250.00
Harold L. Ickes, atty. for George B. Boardman.....	500.00

EXPENSES OF SUB-COMMITTEE—RECOUNT OF BALLOTS.

*Edwin G. Young, county clerk of Will county, expenses [vetoed]	191.10
*H. F. Lawrence, county clerk of DuPage county, expenses [vetoed]	254.25

E. E. Miller, member of the House, for witness fees.....	\$ 81.40
William Newman, expenses, election judge.....	35.10
Herman Korthauer, expenses, election judge.....	35.10
Henry Senne, expenses, election judge.....	35.10
Gus J. Keim, sergeant-at-arms.....	318.60
Ed Smith, judge of recount.....	115.00
A. B. Glenn, " " "	185.80
Phil Daum, " " "	164.50
W. L. Grubb, tally clerk.....	167.80
A. W. Vaught, " "	98.00
G. H. Jacoby, " "	104.00
W. B. Waggoner, " "	116.00
H. F. Johnson, challenger.....	50.25
S. Elmer Simpson, for stenographers' fees.....	413.81
S. E. Simpson, for expenses and clerk and messenger hire..	120.00
E. C. Perkins, custodian of ballots.....	120.25
*E. C. Perkins, as attorney for sub-committee [vetoed]...	500.00
Joseph Carter, member of sub-committee expenses.....	18.25
Martin J. Dillon, member of sub-committee, expenses.....	100.00
S. Elmer Simpson, member of sub-committee, for expenses	100.00

FORTY-FIFTH DISTRICT.

Colby & Fitzgerald, attys. for James F. Morris, sitting member, expenses and attorney's fees.....	500.00
C. J. Barber, atty. for James M. Bell, sitting member, expenses and attorney's fees.....	500.00
B. L. Catron, atty. for Thos. E. Lyon, sitting member, expenses and attorney's fees.....	500.00

FIFTIETH DISTRICT.

R. D. Kirkpatrick, sitting member, for expenses.....	20.00
Noelman & Smith, attorneys for R. D. Kirkpatrick.....	500.00
Charles Curren, sitting member, expenses.....	115.50
Fred Hood, attorney for Charles Curren.....	500.00
George W. Crawford, sitting member, for expenses.....	200.00
Hileman & Crawford, attorneys for George W. Crawford..	500.00

FIFTY-FIRST DISTRICT.

Elwood Barker, sitting member, for expenses.....	240.26
Chas. Durfee, attorney for Elwood Barker.....	500.00
*G. W. Hill, for expenses and attorney's fees [vetoed].....	200.00

Total—House Committee on Elections [\$48,949.27].. \$56,877.87

FOR THE SENATE COMMITTEE ON ELECTIONS.

BINES VS. BAILEY.

Martin B. Bailey, sitting member:

Attorney's fees	\$300.00
Expenses	200.00

\$500.00

Elmer A. Perry, attorney's fees	\$100.00
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100.00

ERWIN VS. HAMILTON.

C. A. Jones, attorney's fees.....	\$100.00
John R. Hamilton, attorney's fees.....	500.00
Expenses	242.96

100.00

742.96

STAPLETON AND BROWN VS. HARRIS.

George W. Harris, expenses.....	\$350.00
Harold L. Ickes, attorney for Harris, fees.....	400.00
Expenses	150.00

350.00

550.00

H. M. Bacon, attorney for W. M. Brown:

Fees	\$400.00
Expenses	120.82

520.82

William J. Stapleton, attorney's fees.....	\$300.00
Expenses	100.00

400.00

BOULWARE VS. DAILEY.

J. A. Weil and S. D. Weed, attorneys for Boulware, fees

\$300.00

Elmer A. Perry, attorney for Boulware, fees.....

100.00

Mrs. J. R. Boulware, administratrix, expenses.....

400.00

800.00

I. C. Pinckney, attorney for Dailey.....

\$400.00

John Dailey, expenses.....

200.00

600.00

HARWOOD VS. KELLER.

McElvain & Feirich, attorneys for Harwood:

Services	\$500.00
Expenses	216.99

716.99

Gillespie & Cantrall, attorneys for Keller:

Services	\$500.00
Expenses	300.00

800.00

Kent E. Keller, expenses.....

\$728.00

728.00

G. W. Zinn, expenses in St. Louis.....

17.35

T. B. Scouten, expenses Peoria and Chicago

12.10

Theresa Gorman, special stenographic services.....	\$ 58.75
W. L. Corris, reporting contests, and transcribing evidence and arguments in all Senate election contests.....	1,067.00
Fuller & Meanor, special stenographic services.....	6.00
John Broderick, expenses, Peoria.....	25.40
Al. F. Gorman, expenses at Peoria.....	23.00
W. Duff Piercy, expenses, St. Louis.....	13.32
John T. Denvir, expenses, St. Louis.....	38.00
Campbell S. Hearn, expenses at Chicago.....	20.00

WITNESS FEES.

Oscar Heinrich, Peoria.....	4.00
C. A. Timmons, Peoria.....	4.00
Roscoe Frederick, Peoria.....	4.00
G. A. Beasley, Peoria.....	2.00
J. S. M. McDermott, Peoria.....	2.00
A. F. Gebke, Peoria.....	2.00
R. J. Leightner, Peoria.....	4.00
J. M. Wright, Peoria.....	2.00
H. A. Arnold, Peoria.....	2.00
Elmer Elsberry, Peoria.....	2.00
John R. Girtan, employee sub-committee, Peoria.....	15.00

Total in Senate..... \$8,233.19

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified, upon presentation of proper vouchers, and the State Treasurer shall pay the same out of any sums in the State treasury not otherwise appropriated.

APPROVED July 3, 1913.

* I hereby certify that the foregoing Act, as printed above, except the words and figures in brackets, is a correct copy of House Bill No. 922, as enrolled and submitted to the Governor for his approval. The twenty-three (23) items marked with a star (*) were vetoed by the Governor, by which action the total appropriation for the purposes stated in this Act, is reduced from \$65,111.06, as printed above, to \$57,182.46.

HARRY WOODS,

Secretary of State.

GENERAL ASSEMBLY, 48TH—EMPLOYEES, (1).

§ 1. Appropriates \$75,000—how drawn.

| § 2. Emergency.

(SENATE BILL NO. 16. APPROVED FEBRUARY 15, 1913.)

AN ACT making appropriations for the payment of employees of the
Forty-eighth General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated the sum of seventy-five thousand dollars, or so much thereof as may be necessary, to pay the employees of the Forty-eighth General As-

sembly at the rate of compensation allowed by law. Said employees to be paid upon rolls certified to by the presiding officers of the respective houses.

§ 2. WHEREAS, The above appropriation is necessary for the transaction of the business of the State; therefore, an emergency exists, and this Act shall take effect from and after its passage.

APPROVED February 15, 1913.

GENERAL ASSEMBLY, 48TH—EMPLOYEES, (2).

1. Appropriates \$10,000—how drawn. | § 2. Emergency.

(SENATE BILL NO. 674. APPROVED JUNE 25, 1913.)

AN ACT *making an appropriation for the payment of employees of the Forty-eighth General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated the sum of ten thousand dollars, or so much thereof as may be necessary, to pay the employees of the Forty-eighth General Assembly at the rate of compensation now allowed them. Said employees to be paid upon rolls certified to by the presiding officers of the respective houses.

§ 2. WHEREAS, The above appropriation is necessary for the transaction of the business of the State; therefore, an emergency exists, and this Act shall take effect from and after its passage.

APPROVED June 25, 1913.

GENERAL ASSEMBLY, 48TH—INCIDENTALS.

§ 1. Appropriates \$6,500—certification of vouchers. | § 2. How drawn.

| § 3. Emergency.

(SENATE BILL NO. 17. APPROVED FEBRUARY 15, 1913.)

AN ACT *to provide for the incidental expenses of the Forty-eighth General Assembly of the State of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of six thousand five hundred dollars, or so much thereof as may be required, is hereby appropriated to pay the incidental expenses of the Forty-eighth General Assembly, or either branch thereof, to be expended on vouchers certified to by the presiding officers of either branch thereof.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified upon presentation of proper vouchers, and the State Treasurer shall pay the same out of funds in the State treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriation above recited is necessary for the expenses incurred in the transaction of the business of the State and the Forty-eighth General Assembly; therefore, an emergency exists, and this Act shall take effect and be in force from and after its passage.

APPROVED February 15, 1913.

GENERAL ASSEMBLY, 48TH—INCIDENTALS OF SECRETARY OF STATE.

§ 1. Appropriates \$12,000—certification by Secretary of State. | § 2. How drawn—emergency.

(SENATE BILL NO. 45. APPROVED APRIL 24, 1913.)

AN ACT *to provide for the incidental expenses of the Forty-eighth General Assembly of the State of Illinois, to be incurred by the Secretary of State, and for the care and custody of the State House and grounds, to be incurred and now unprovided for.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of twelve thousand dollars, or so much thereof as may be required, is hereby appropriated to pay the incidental expenses of the Forty-eighth General Assembly, or either branch thereof, to be incurred by the Secretary of State and to be expended by the Secretary of State in the discharge of the duties imposed upon him by law, or by the direction of the General Assembly, or either branch thereof. All expenditures to be certified to by the Secretary of State as provided by law.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified upon presentation of proper vouchers, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

WHEREAS, The appropriation above recited is necessary for the expenses incurred in the transaction of the business of the State and the Forty-eighth General Assembly; therefore, an emergency exists, and this Act shall take effect from and after its passage.

APPROVED April 24, 1913.

GENERAL ASSEMBLY, (49TH) AND STATE OFFICERS.

§ 1. Appropriates—\$2,600,000.

(HOUSE BILL NO. 911. APPROVED JUNE 26, 1913.)

AN ACT *making an appropriation for the payment of the officers and members of the next General Assembly, and for salaries of the officers of the State government.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated the sum of two million, six hundred thousand dollars (\$2,600,000), or so much thereof as may be necessary, to pay the officers

and members of the next General Assembly, and the salaries of the officers of the State government at such rates of compensation as are now or hereafter may be fixed by law, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the next General Assembly.

APPROVED June 26, 1913.

GETTYSBURG CELEBRATION—EXPENSES OF VETERAN SOLDIERS.

Preamble.

§ 1. Appropriates \$30,000.

§ 2. Disposition of funds.

§ 3. Applications of veterans—transportation through county clerk—extra sum.

§ 4. Funds set aside for blanks, etc.

§ 5. Funds not used to revert to general funds.

§ 6. How drawn.

§ 7. Emergency.

(HOUSE BILL NO. 88. APPROVED JUNE 3, 1913.)

AN ACT to make an appropriation for the expenses of veteran soldiers residing in the State of Illinois, who were participants in the battle of Gettysburg, July 1, 2, 3, 1863, to enable them to attend the celebration of the fiftieth anniversary of that battle, to be held on the battlefield at Gettysburg, Pennsylvania, July 1, 2, 3 and 4, A. D. 1913.

WHEREAS, The fiftieth anniversary of the battle of Gettysburg is to be held upon the battlefield at Gettysburg, in the State of Pennsylvania, July 1, 2, 3 and 4, 1913 and it [is] to be made a National event, under the direction of the Federal government and in which veterans of both the Federal and Confederate armies will participate; and

WHEREAS, There are many of said veterans residing in the State of Illinois, the average of whom is 72 years, who, because of their advanced age and physical debilities incident to, and resulting from their service in behalf of their country, would require a traveling companion in attending said celebration, the cost of which would be beyond their means; and

WHEREAS, It is desired that the State of Illinois be represented at said celebration by as many of the surviving soldiers of said battle as possible, and that said attendance may not be a drain upon their resource but that they may once again visit the scene of the great conflict (the decisive battle of the Civil war), and meet in spirit of friendship and brotherhood those they met as enemies upon the field of carnage half a century ago;

THEREFORE, To help those who sacrificed so much, for the Nation, to attend the Gettysburg celebration (the crowning event of their lives) and to show proper appreciation of the services rendered on one of the hardest fought fields of the Civil war, and to furnish them with the means and comforts of travel:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appro-

priated the following sums, to wit: for providing transportation, and expenses to the Gettysburg celebration, July 1, 2, 3 and 4, A. D. 1913, for such honorably discharged veterans of the Civil war, who participated in the battle of Gettysburg, July 1, 2 and 3, 1863, and who are residents of the State, the sum of thirty thousand dollars (\$30,000).

§ 2. No part of said thirty thousand dollars (\$30,000) shall be used for the payment of salaries, fees, commissions or any purpose whatsoever other than is provided for in this Act; that the sum allotted to each approved applicant shall consist of his actual car fare from his residence, or nearest railway station thereto, to Gettysburg in said state of Pennsylvania and return, at the rate of fare provided by the railroads over which lines he is to travel for the general public on corresponding dates, and the additional sum of ten dollars (\$10) to each veteran so attending, for expense money.

§ 3. That all applications on behalf of veterans who desire to avail themselves of the provisions of this Act shall be made to the Adjutant General of the State of Illinois, who shall thereupon satisfy himself as to the merits of said applicants, and who, upon finding that the applicants come within the provisions of this Act, shall issue an order for the amount of said transportation, and cause the same to be purchased for the round trip from the place of residence of said applicants, or the nearest railway station thereto, to Gettysburg and return, and for the sum of ten dollars (\$10), to be delivered to each of them, through the clerk of the county court in the county in which he resides, not earlier than the day before the time of his departure.

§ 4. The sum of five hundred dollars (\$500.00) is hereby set aside out of said appropriation of thirty thousand dollars (\$30,000), for the use of the Adjutant General of the State of Illinois in providing proper blanks for applications and for postage and stationery and additional clerk hire, if such be necessary, in taking care of the correspondence and in performing the additional work, incident to the enforcement of the provisions of this Act.

§ 5. Any funds so appropriated that are not actually used, including any portion of the five hundred dollars (\$500.00), set aside for the Adjutant General for the performance of the duties incumbent upon him by reason of this Act, shall immediately after July 1, 1913, revert to the general funds in the treasury of the State of Illinois.

§ 6. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the sum herein specified, upon the presentation of proper vouchers certified to by the Adjutant General, and approved by the Governor, and the Treasurer shall pay the same out of the moneys hereby appropriated.

§ 7. WHEREAS, An emergency exists; therefore, this Act shall be in force and effect from and after its approval by the Governor.

APPROVED June 3, 1913.

HIGHWAY COMMISSION—ROAD FROM FAIR GROUNDS TO BIOLOGICAL
LABORATORY.

§ 1. Appropriates \$7,500 00.

| § 2. How drawn.

(HOUSE BILL NO. 390. APPROVED JUNE 26, 1913.)

AN ACT making an appropriation for paying the State's part in building a hard road from the southeast corner of the State fair grounds to the State Biological Laboratory.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and hereby is appropriated to the Illinois State Highway Commission the sum of seven thousand five hundred dollars for the purpose of defraying the State's part of the expenses in constructing a hard road from the southeast corner of the State fair grounds to the Illinois State Biological Laboratory grounds.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrants for the above amount upon the State Treasurer, upon vouchers certified by the State Highway Commission and approved by the Governor.

APPROVED JUNE 26, 1913.

HIGHWAY COMMISSION—STATE AID ROADS, (1).

§ 1. Appropriates \$400,000 from "road fund" for year 1913-14—unexpended balance for year 1914-15.

| § 2. How drawn.

(HOUSE BILL NO. 679. APPROVED JUNE 26, 1913.)

AN ACT making an appropriation from the road fund for the building and maintaining of State aid roads in the several counties of the State.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated from the road fund to the State Highway Commission for the purpose of building and maintaining State aid roads in the several counties of the State for the year beginning July 1, 1913, and ending June 30, 1914, the sum of four hundred thousand dollars (\$400,000.00), or so much of such sum as may be required: *Provided*, that any unexpended balance which may remain to the credit of the said State Highway Commission at the close of the year ending June 30, 1914, shall extend over and be subject to the order of the said State Highway Commission for the purpose of building and maintaining State aid roads in the several counties of the State during the year beginning July 1, 1914, and ending June 30, 1915.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrants upon the State Treasurer for the aforesaid sums of money upon the order of the State Highway Commission signed by the president and attested by the secretary of said commission: *Provided*, said order shall be accompanied by a detailed statement showing the amounts expended, specifying the purpose of such expenditure and

clearly distinguishing amounts expended for the building from those of maintaining State aid roads and showing location as to county and particular section or division, in such county, of roads on which such expenditures are made.

APPROVED June 26, 1913.

HIGHWAY COMMISSION—STATE AID ROADS, 1914-15, (2).

1. Appropriates \$400,000 from "road fund" for year 1914-15. | § 2. How drawn—detailed statement.

(HOUSE BILL No. 894. APPROVED JUNE 27, 1913.)

AN ACT *making an appropriation from the road fund for the building and maintaining of State aid roads in the several counties of the State.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated from the road fund to the State Highway Commission for the purpose of building and maintaining State aid roads in the several counties of the State for the year beginning July 1, 1914, and ending June 30, 1915, the sum of four hundred thousand dollars (\$400,000.00), or so much of such sum as may be required.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the State Treasurer for the aforesaid sums of money upon the order of the State Highway Commission signed by the president and attested by the secretary of said commission: *Provided*, said order shall be accompanied by a detailed statement showing the amounts expended, specifying the purpose of such expenditure and clearly distinguishing amounts expended for the building, from those of maintaining State aid roads and showing location as to county and particular section or division, in such county, of roads on which such expenditures are made.

APPROVED June 27, 1913.

HIGHWAY COMMISSIONERS—STATE AID ROADS, 1914-15, (3).

1. Appropriates \$300,000 for the year 1914-15. | § 2. How drawn.

(HOUSE BILL No. 608. APPROVED JUNE 28, 1913.)

AN ACT *making an appropriation for the building and maintaining of State aid roads in the several counties of the State.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the State Highway Commission for the purpose of building and maintaining State aid roads in the several counties of the State for the year beginning July 1, 1914, and ending June 30, 1915, the sum of three hundred thousand [dollars] (\$300,000.00), or so much of such sums as may be required: *Provided*, that any unexpended balance which

may remain to the credit of the said State Highway Commission at the close of the year ending June 30, 1914, shall extend over and be subject to the order of the said State Highway Commission for the purpose of building and maintaining State aid roads in the several counties of the State during the year beginning July 1, 1914, and ending June 30, 1915.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrants upon the State Treasurer for the aforesaid sums of money upon the order of the State Highway Commission signed by the President and attested by the Secretary of said commission: *Provided*, said order shall be accompanied by a detailed statement showing the amounts expended, specifying the purpose of such expenditure and clearly distinguishing amounts expended for the building from those of maintaining State aid roads and showing location as to county and particular section or division, in such county, of roads on which such expenditures are made.

APPROVED June 28, 1913.

INVESTIGATION—MINING COMMISSION.

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|---|--|
| § 1. Appointment of commission—equal authority and power of members—purposes. | § 4. Report and recommendations—separate reports and objections—termination of duties. |
| § 2. Power and authority of commission—seal—rules. | § 5. Compensation of members—expenses—employees. |
| § 3. Meetings—organization—record of proceedings. | § 6. Appropriates \$10,000—how drawn—printing |

(HOUSE BILL NO. 710. APPROVED JUNE 21, 1913.)

AN ACT to establish the Mining Investigating Commission of the State of Illinois, and prescribing its powers and duties and making an appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a commission be established to be known as the Mining Investigation Commission of the State of Illinois, consisting of three coal mine owners and three coal miners appointed by the Governor, together with three qualified men, no one of whom shall be identified or affiliated with the interests of either of the mine owners or coal miners or dependent upon the patronage or good will of either, nor in political life, who shall be appointed by the Governor.

Each member of the said commission shall have equal authority, power and voting strength in considering and acting upon any matters which may be brought to the attention of the commission and on which the commission may act and the said commission shall have power and authority to investigate the methods and conditions of mining coal in the State of Illinois with special reference to the safety of human lives and property and the conservation of the coal deposits.

§ 2. In making an investigation as contemplated in this Act, said commissioners shall have the power to issue subpoenas for the attendance of witnesses, which shall be under the seal of the commission and signed by the chairman or secretary of said commission.

In case any person shall wilfully fail or refuse to obey such subpoena, it shall be the duty of the circuit court of any county, upon application of the said commissioners, to issue an attachment for such witness, and compel such witness to attend before the commissioners, and give his testimony upon such matters as shall be lawfully required by such commissioners; and the said court shall have the power to punish for contempt, as in other cases of refusal to obey the process and order of such court.

The fees of witnesses shall be the same as in the courts of record and shall be paid out of the appropriation hereinafter made.

And upon order duly entered of record by the said commission any one or more members of the said commission shall be empowered to take testimony touching the matters within the jurisdiction of the said commission and report the same to the said commission.

Said commission shall have power and are authorized to adopt a seal and to make such rules not inconsistent with or contrary to law for the government of proceedings before it, as it may deem proper, and shall have the same power to enforce such rules and to preserve order and decorum in its presence as is vested by the common law or statute of this State in any court of general jurisdiction.

§ 3. Said commission shall meet at the State Capitol building in Springfield on the second Tuesday after notice of their appointment and shall immediately elect a chairman and secretary from among their number, one of whom shall be a coal mine owner and the other a coal miner. Said commission shall cause a record to be kept of all its proceedings.

Five members of the said commission shall constitute a quorum for the transaction of business, but a less number than a quorum may adjourn the meetings of the commission from time to time.

Meetings of the said commission other than called meetings, as provided for herein, may be held at such times and places within the State of Illinois, as may be fixed by the said commission.

A meeting of the said commission shall be held upon the written request of any three members of the said commission signed by them and delivered to the secretary, who shall, upon receipt of such request, notify each member of said commission by mail of such meeting so to be held, and the time and place thereof. And no such meeting shall be held less than five days after the mailing of notice of the said meeting to the members of said commission by the secretary. Such called meeting shall be held either in Springfield or Chicago.

§ 4. Said commission shall report to the Governor and to the General Assembly at its next regular session, submitting, so far as they have unanimously agreed, a proposed provision [revision] of coal mining

laws of the State, together with such other recommendations as to the commission shall seem fit and proper relating to coal mining in the State of Illinois.

And where there is not unanimous agreement upon any recommendation, there shall be submitted in like manner separate reports embodying the recommendations of any one or more members of the said commission, which said reports shall each set forth in detail the recommendation of the commissioner or commissioners signing said report and shall embody his or their respective reasons for such recommendation and his or their objection to the report of other members of the commission.

The duties and functions of said commission shall cease and the terms of office of the respective commissioners shall terminate upon the adjournment of the Forty-ninth General Assembly.

§ 5. The members of said commission who are coal mine owners and coal miners, as aforesaid, shall receive no compensation for their services. The remaining three members of the commission shall receive as compensation for their services the sum of \$10.00 per day for each day actually employed by them as such commissioners. All members of the said commission shall be reimbursed for their actual expenses incurred in and about the actual work of said commission.

Said commission may appoint a stenographer or clerk and such other employees as are necessary and shall fix their compensation and may incur such other expenses as are properly incidental to the work of the commission.

§ 6. The sum of ten thousand dollars (\$10,000.00), or as much thereof as may be necessary, is hereby appropriated for the postage, stationery, clerical and expert services, and incidental traveling expenses of the commission, and the per diem of members as herein authorized, and the Auditor of Public Accounts is hereby authorized to draw his warrant for the foregoing amount, or any part thereof, in payment of any expenses, charges or disbursements authorized by this Act, on order of this commission, signed by its chairman, attested by its secretary, and approved by the Governor.

The State Board of Contracts is hereby authorized and directed to provide all necessary printing for the Mining Investigating Commission, and testimony taken by it shall be reported in full and may be published from time to time by the commission.

APPROVED June 21, 1913.

INVESTIGATION—VOTING MACHINES IN CHICAGO.

§ 1. Appropriates \$10,000 for expenses under H. J. Resolution No. 23. | § 2. How drawn.

(HOUSE BILL NO. 687. APPROVED JUNE 9, 1913.)

AN ACT *making an appropriation for the necessary expenses to carry out the provisions of House Joint Resolution Number 23.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That the sum of ten thousand*

dollars (\$10,000), or so much thereof as may be necessary, be and is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the purpose of paying the necessary expenses incurred under the provisions of House Joint Resolution Number 23.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants from time to time for the sum specified, upon presentation of proper vouchers, certified by the chairman and secretary of the committee appointed under the provisions of House Joint Resolution Number 23, and the Treasurer shall pay the same out of the money hereby appropriated.

APPROVED June 9, 1913.

INVESTIGATION—WALLS IN WILL COUNTY.

§ 1. Appropriates \$5,000 for expenses of commission.	§ 2. How drawn.
	§ 3. Emergency.

(SENATE BILL NO. 455. APPROVED MAY 9, 1913.)

AN ACT *making an appropriation for the necessary expenses of the commission appointed to investigate and inquire into the condition of walls in Will county, pursuant to Senate Resolution No. 48.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury, not otherwise appropriated, for the purpose of defraying expenses of the commission appointed under Senate Resolution No. 48, to investigate and inquire into the conditions of walls in Will county.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants, from time to time, for the sum specified, upon presentation of the proper vouchers, certified by the chairman of the said committee and approved by the President of the Senate, and the Treasurer shall pay the same out of the money hereby appropriated.

§ 3. WHEREAS, An emergency exists, this Act shall be in full force and effect from and after the day and date of its passage.

APPROVED May 9, 1913.

INVESTIGATION—WHITE SLAVE TRAFFIC COMMISSION.

§ 1. Appropriates \$10,000.	§ 3. Emergency.
§ 2. How drawn.	

(SENATE BILL NO. 156. APPROVED APRIL 25, 1913.)

AN ACT *making an appropriation for the necessary expenses of the commission appointed to investigate the white slave traffic.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated

out of any money in the State treasury, not otherwise appropriated, for the purpose of defraying the necessary expenses of the commission appointed under Senate Resolution No. 25, to investigate the white slave traffic within the State of Illinois.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants from time to time for the sum specified upon presentation of proper vouchers, certified by the chairman of the Committee on Contingent Expenses and approved by the President of the Senate, and the Treasurer shall pay the same out of the money hereby appropriated.

§ 3. WHEREAS, An emergency exists, this Act shall be in full force and effect from and after the day and date of its passage.

APPROVED April 25, 1913.

LABOR COMMISSIONERS—DEFICIENCY.

§ 1. Appropriates \$2,675 for certain purposes.

§ 3. Emergency.

§ 2. How drawn.

(SENATE BILL NO. 48. APPROVED MAY 3, 1913.)

AN ACT to provide for a deficiency in office and other expenses of the Commissioners of Labor Statistics for the fiscal year ending June 30, 1913.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums or as much thereof as may be necessary, be and is [are] hereby appropriated for the purpose of meeting the office and other expenses of the Commissioners of Labor Statistics for the fiscal year ending June 30, 1913:

1 Statistician, \$150.00 per month.....	\$510.00
1 Statistician, \$130.00 per month.....	440.00
1 Clerk, \$130.00 per month.....	440.00
1 Stenographer, \$85.00 per month	285.00
1 Messenger and janitor, \$66.66 per month.....	225.00
Postage and expressage.....	300.00
Telephone and toll.....	70.00
Traveling expenses, Commissioners of Labor and secretary..	280.00
Incidental expenses.....	125.00

Total \$2,675.00

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the sum herein appropriated upon presentation of proper vouchers certified to by the president and secretary of the Commissioners of Labor Statistics, and approved by the Governor, which warrants shall be payable out of any moneys in the State treasury not otherwise appropriated.

§ 3. WHEREAS, Said sum of money is immediately required, therefore [therefore] an emergency exists, and this Act shall take effect from and after its passage.

APPROVED May 3, 1913.

LEVEES AT CAIRO, MOUND CITY AND SHAWNEETOWN.

Preamble.

1. Appropriates \$339,000 to Rivers and Lakes Commission.

§ 2. How expended.

§ 3. How drawn.

(SENATE BILL NO. 666. APPROVED JUNE 12, 1913.)

AN ACT *making an appropriation to the Rivers and Lakes Commission of Illinois for the purpose of widening, raising, strengthening, improving, repairing, building and constructing levees in or around certain cities in the State of Illinois.*

WHEREAS, The city of Cairo, Illinois, is situated at the junction of the Ohio and Mississippi rivers and has heretofore constructed seven miles of levees around said city for its protection against the high water of those rivers; and,

WHEREAS, The city of Mound City, Illinois, is situated on the Ohio river six miles north of Cairo and is in the same flood plane and affected by the high waters of the Mississippi and Ohio rivers to the same extent as the city of Cairo and has heretofore constructed four miles of levees around said city for its protection against the high waters of the said rivers; and,

WHEREAS, The city of Shawneetown is situated on the Ohio river in Illinois and has heretofore built a levee as a necessary protection against the high stages of water in the Ohio river; and,

WHEREAS, By reason of the construction by the National government of an extensive system of levees on both banks of the lower Mississippi river, the channel for conveying the great amount of water which flows into that river from its various tributaries has been so narrowed as to, at times of exceptional rain fall, greatly retard the flow of water, thereby causing it to back up in that river and the Ohio river to such an extent that the said cities of Cairo, Mound City and Shawneetown, which had heretofore protected themselves from overflow by levees, have found those levees inadequate; and,

WHEREAS, The said cities have found it necessary to raise, strengthen and improve the levees protecting them in order to avoid the destruction of those cities and great loss of life; and,

WHEREAS, Those cities have reached or exceeded their taxing power under the Constitution of the State in securing the necessary funds to construct said levees for their protection and are consequently now unable to raise money by taxation, issuance of bonds or otherwise with which to do the necessary work of raising and strengthening the levees; and,

WHEREAS, Further, in the year 1912, it became necessary for the State of Illinois to expend the sum of twelve thousand seven hundred and ninety-nine dollars (\$12,799.00) in protecting those cities from overflow and to save the lives of its citizens; and,

WHEREAS, In the year 1913, it again became necessary for the State to expend the sum of one hundred and forty-six thousand seven hun-

dred seventy-six dollars (\$146,776.00) in aiding in preserving the levees and the protection of the said cities from overflow and destruction and for rendering aid and assistance to, and in caring for those persons rendered destitute by reason of the flood conditions affecting those cities; and,

WHEREAS, It will be necessary each succeeding year for the State to incur heavy expense to prevent the destruction of said cities by floods and to save the lives of its citizens endangered by reason of the giving way or inadequacy of the levees built for protection against overflow;

THEREFORE, For the purpose of aiding the cities named, situated in the State of Illinois, in so strengthening, raising and widening the levees now around such cities as to secure protection from overflow and thereby prevent the annual recurrence of the great expense to the State of Illinois to save those cities from destruction by floods and consequent destitution of citizens and probable great loss of life; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated to the Rivers and Lakes Commission of Illinois the sum of three hundred and thirty-nine thousand dollars (\$339,000) or so much thereof as may be necessary to widen, raise, strengthen, improve, repair, build or construct, as the case may be, levees around the following cities in the State of Illinois, for the purpose of furnishing protection from floods and overflows of the Ohio and Mississippi rivers and in the following amounts, respectively:

City of Cairo, Alexander county, the sum of \$250,000, which sum shall be expended for levees wholly within the corporate limits of said city.

City of Mounty City, Pulaski county, the sum of \$50,000.

City of Shawneetown, Gallatin county, the sum of \$39,000.

§ 2. The money hereby appropriated shall be expended by the said Rivers and Lakes Commission of Illinois as near as may be in conformity with and in furtherance of general plans and specifications which have now or hereafter may be adopted for widening, raising, strengthening, improving, repairing, building or constructing the levees, as the case may be, at the cities named in section 1 of this Act, and for the respective sums.

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant from time to time upon the State Treasurer for the moneys herein appropriated upon proper vouchers certified by the Rivers and Lakes Commission of Illinois and approved by the Governor of the State of Illinois.

APPROVED June 12, 1913.

LEVEES AT VILLAGE OF NAPLES.

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| § 1. Appropriates \$3,000 to Rivers and Lakes Commission—proviso. | § 2. How expended. |
| | § 3. How drawn. |

(SENATE BILL NO. 607. APPROVED JUNE 27, 1913.)

AN ACT making an appropriation to the Rivers and Lakes Commission of Illinois, for the purpose of widening, raising, strengthening, improving, repairing, building, and constructing levees in or around the village of Naples, Scott county, in the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated to the Rivers and Lakes Commission of the State of Illinois the sum of three thousand dollars (\$3,000) or so much thereof as may be necessary to widen, raise, strengthen, improve, repair, build or construct, as the case may be, the levees at said village of Naples, county of Scott, for the purpose of furnishing protection from floods and overflows of the Illinois river:

Provided, that this appropriation is made on the express condition that the village of Naples shall appropriate a like amount and expend the same for the purposes herein named.

§ 2. The money hereby appropriated shall be expended by the said Rivers and Lakes Commission of Illinois, as near as may be in conformity with, and in furtherance of general plans and specifications, which have now or hereafter may be adopted for widening, raising, strengthening, improving, repairing, building or constructing the levees, as the case may be, at said village of Naples, named in section 1 of this Act, and for the respective sums.

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the moneys herein appropriated, upon proper vouchers certified by the Rivers and Lakes Commission of Illinois, and approved by the Governor of Illinois.

APPROVED JUNE 27, 1913.

LIVE STOCK BREEDERS' ASSOCIATION.

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| § 1. Appropriates \$1,500 per annum. | § 3. How drawn. |
| § 2. No compensation to any officer. | § 4. Receipted vouchers—annual report. |

(HOUSE BILL NO. 717. APPROVED JUNE 26, 1913.)

AN ACT making an appropriation for the Illinois Live Stock Breeders' Association.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and hereby is, appropriated to the Illinois Live Stock Breeders' Association the following

sum, to wit: For printing and distributing reports, programs, postage, stationery, expenses of speakers, etc., the sum of fifteen hundred dollars (\$1,500.00) per annum for the years 1913 and 1914.

§ 2. No officer or officers of the Illinois Live Stock Breeders' Association shall be entitled to receive any money compensation whatever for any service rendered for the same.

§ 3. That on the order of the president, countersigned by the secretary of the Illinois Live Stock Breeders' Association and approved by the Governor, the Auditor of Public Accounts shall draw his warrant on the Treasurer of the State of Illinois in favor of the treasurer of the Illinois Live Stock Breeders' Association for the sum herein appropriated.

§ 4. It shall be the duty of the treasurer of the Illinois Live Stock Breeders' Association to pay out of said appropriation, on itemized and receipted vouchers, such sums as may be authorized by said organization, on the order of the president, countersigned by the secretary, and make annual report to the Governor of all expenditures, as provided by law.

APPROVED June 26, 1913.

LIVE STOCK COMMISSIONERS—DEFICIENCY.

§ 1. Appropriates \$7,000.

§ 3. Emergency.

§ 2. How drawn.

(HOUSE BILL NO. 297. APPROVED JUNE 9, 1913.)

AN ACT making an appropriation to provide for a deficiency in the appropriation for the purchase of hogs necessary for producing serum, including labor, feed and all other laboratory work and necessary supplies.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of seven thousand dollars (\$7,000.00), or so much thereof as may be needed, be and is hereby appropriated to meet a deficiency in the appropriation for the purchase of hogs necessary for producing serum, including labor, feed and all other laboratory work and necessary supplies for the State Biological Laboratory.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrants for the above amounts upon the State Treasurer, upon vouchers certified by the Board of Live Stock Commissioners and approved by the Governor.

§ 3. WHEREAS, An emergency exists, therefore, this Act shall take effect and be in force from and after its passage.

APPROVED June 9, 1913.

LOCAL IMPROVEMENTS—MT. VERNON, STREET PAVEMENTS.

§ 1. Appropriates \$1,528.72.

§ 3. Emergency.

§ 2. How drawn.

(SENATE BILL NO. 142. APPROVED MAY 28, 1913.)

AN ACT *making an appropriation for street pavements surrounding the appellate court, Fourth District of Mt. Vernon.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$1,528.72 be and the same is hereby appropriated to pay for repairs and paving of the streets surrounding the appellate court building in the Fourth District at Mt. Vernon, Illinois.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant, payable to the order of Charles Hutchinson, city collector at Mt. Vernon, for the sum herein specified, upon presentation of proper vouchers from the said Charles Hutchinson, city collector, certified to by him and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

§ 3. WHEREAS, An emergency exists, therefore this Act shall be in full force and effect from and after the time of its passage.

APPROVED May 28, 1913.

LOCAL IMPROVEMENTS—OTTAWA, BRIDGE APPROACH.

§ 1. Appropriates \$5,563.11.

§ 2. How drawn.

(HOUSE BILL NO 905. APPROVED JUNE 30, 1913.)

AN ACT *to provide for the payment of the cost of the paving of the north approach to the Illinois river, with vitrified brick, 48 feet in width, from the bridge to the headrace, said approach being abutted on each side, by property owned and controlled by the State of Illinois, and located in the city of Ottawa, Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$5,563.11, or so much thereof as may be necessary, is hereby appropriated for the payment of the cost of paving the north approach to the Illinois river bridge with vitrified brick, 48 feet in width, from the bridge to the headrace, said approach being abutted on each side by property owned and controlled by the State of Illinois, and located in the city of Ottawa, Illinois.

§ 2. That the Auditor of Public Accounts is hereby required to draw his warrant or warrants on the Treasurer of the State of Illinois, for the payment of said sum of \$5,563.11, or so much thereof as may be necessary, out of the sum so appropriated, to liquidate the payment for said pavement on the presentation to him of the certificate of the mayor of the city of Ottawa, that said paving has been done in a fit and proper manner, and approved by the Governor.

APPROVED June 30, 1913.

LOCAL IMPROVEMENTS—OTTAWA, SEWER.

Preamble.

§ 2. How drawn.

§ 1. Appropriates \$286.50.

(HOUSE BILL NO. 318. APPROVED JUNE 20, 1913.)

AN ACT to provide for the payment of the cost of part of a local improvement consisting of a sewer in the city of Ottawa, Illinois; said improvement being made by special assessment.

WHEREAS, The State of Illinois owns and controls lots three (3), four (4) and five (5) in block thirty-eight (38) in State's addition to the town (now city) of Ottawa, Illinois; and

WHEREAS, Said lots are within the district recently improved by the putting in of a sewer; and

WHEREAS, The assessment on said lots under warrant No. 7746 amounts to \$286.50; and

WHEREAS, The said sewer has materially improved said property of said State, and said State should in justice pay its share thereof; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$286.50 is hereby appropriated for the payment of the assessment for said sewer.

§ 2. That the Auditor of Public Accounts is hereby required to draw his warrant on the Treasurer of the State of Illinois for the payment of said sum of \$286.50 to liquidate the payment for said assessment for said sewer on the presentation to him of the certificate of the mayor of the city of Ottawa, that said sewer has been constructed in a fit and proper manner.

APPROVED June 20, 1913.

LOCAL IMPROVEMENTS—OTTAWA, STREET PAVEMENTS.

Preamble.

§ 2. How drawn.

§ 1. Appropriates \$550.93.

(HOUSE BILL NO. 316. APPROVED JUNE 19, 1913.)

AN ACT to provide for the payment of the cost of part of a local improvement of streets in the city of Ottawa, Illinois, by paving; said improvement being abutted on real property owned and controlled by the State of Illinois.

WHEREAS, The State of Illinois owns and controls lots thirteen (13) and fourteen (14) in block fifty-seven (57) in State's addition to the town (now city) of Ottawa, Illinois, upon which is situated the appellate court house; and

WHEREAS, Parts of the streets upon which said lots abut have been improved by a brick pavement by special assessment; and

WHEREAS, The assessment on said lots amounts to five hundred fifty and 93-100 dollars (\$550.93); and

WHEREAS, The said pavement has materially improved the property of said State, and said State should in justice pay its share thereof; therefore,

SECTION 1.. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$550.93 is hereby appropriated for the payment of the assessment for said street pavement.

§ 2. That the Auditor of Public Accounts is hereby required to draw his warrant on the Treasurer of the State of Illinois for the payment of said sum of \$550.93, to liquidate the payment for said assessment for said pavement on the presentation to him of the certificate of the mayor of the city of Ottawa that said paving has been done in a fit and proper manner.

APPROVED June 19, 1913.

MONUMENT—JOHN P. ALTGELD, CHICAGO.

Preamble.

§ 1. Appointment of commissioners—duties.

§ 2. Powers of commissioners—final report.

§ 3. Appropriates \$25,000.

§ 4. How drawn.

(SENATE BILL NO. 54. APPROVED MAY 27, 1913.)

AN ACT *for the appointment of commissioners and making an appropriation for the construction and erection of a monument in memory of John P. Altgeld, in Chicago, Cook county, Illinois.*

WHEREAS, The widespread sentiment in our State in favor of a fitting and permanent memorial and tribute to the services of John P. Altgeld, as a citizen, volunteer, soldier, lawyer, judge, orator and Governor of Illinois, deserves recognition at the hands of the representatives of the People of Illinois; and

WHEREAS, Such a permanent monument would be but a responsive answer to Altgeld's declaration, "I have given Illinois four of my best years and have brought all of my offerings to her altar. Had it been necessary, I should have considered life itself a small sacrifice in her interest."

THEREFORE, The following is proposed:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The Governor is hereby authorized and empowered to appoint five commissioners, who shall act without compensation, and whose duty it shall be to obtain suitable grounds and space in one of the public parks or other proper place in and within the limits of the city of Chicago, Cook county, in the State of Illinois, for the purpose of constructing, erecting and dedicating a suitable memorial in the form of a statue, with proper inscription, and to erect such statue and monument to the memory of the late John P. Altgeld, former Governor of Illinois.

§ 2. Said commissioners shall be empowered to make necessary contracts and expend all reasonable sums of money in connection with the construction, erection and dedication of the memorial provided in section 1, subject to approval, as hereinafter provided. Upon completion of their work, the commissioners shall make a full report to the Governor of their doings under this Act.

§ 3. For the purposes of carrying out the provisions of this Act, the sum of twenty-five thousand dollars (\$25,000), or so much thereof as shall be necessary, is hereby appropriated to pay the costs and expenses of the procurement, erection and dedication of the aforementioned memorial statue and monument.

§ 4. The Auditor of Public Accounts is hereby authorized, empowered and directed to draw warrants on the State Treasurer for the payment of all expenditures, necessary to carry out the provisions of this Act, as herein provided, upon presentation to him of proper vouchers therefor, certified to by the said commissioners and by and with the approval of the Governor.

APPROVED May 27, 1913.

MONUMENT—ANDERSONVILLE COMMISSION REPORT, PRINTING.

§ 1. Appropriates \$600 for printing report.

§ 3. Emergency.

§ 2. How drawn.

(SENATE BILL NO. 333. APPROVED JUNE 21, 1913.)

AN ACT *appropriating six hundred dollars for printing the report of the Illinois-Andersonville Monument Commission.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of six hundred dollars, or as much thereof as may be necessary, is hereby appropriated to pay for the printing of the report of the Illinois-Andersonville Monument Commission, said commission to be authorized to carry on the work by and with the consent of the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant on the Treasurer, for the payment of said amount, or so much thereof as may be necessary for printing said report, on presentation of proper vouchers, certified to by the president and secretary of said commission and approved by the Governor.

§ 3. WHEREAS, An emergency exists, therefore this Act shall be in force from and immediately after its passage.

APPROVED June 21, 1913.

MONUMENT—THOMAS CARLIN, AT CARROLLTON.

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| 1. Appointment of commission. | § 3. Appropriates \$5,000. |
| § 2. Powers and duties—report. | § 4. How drawn. |

(SENATE BILL NO 683. APPROVED JUNE 26, 1913.)

AN ACT for the appointment of commissioners and making an appropriation for the construction and erection of a monument in memory of a former Governor, Thomas Carlin, at Carrollton, Illinois.

WHEREAS, The remains of Thomas Carlin, a former Governor of the State of Illinois, lie buried in a cemetery at Carrollton, Illinois, with no suitable stone or monument marking his grave, and

WHEREAS, The patriotic deeds and conduct of the said Thomas Carlin, as a pioneer of the State, a sheriff, a State Senator, a Governor and a citizen, have given his memory such distinction that it is both fitting and proper that the people of the State of Illinois should honor his memory and show its appreciation of his valued services to the State by erecting a permanent monument with a suitable inscription at his grave.

THEREFORE, The following is proposed:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The Governor is hereby authorized and empowered to appoint five commissioners, who shall act without compensation and whose duty it shall be to purchase, erect and dedicate a suitable monument, with proper inscription thereon, to the memory of Thomas Carlin, at the cemetery in Carrollton, Illinois, where his remains now lie buried.

§ 2. Said commissioners shall be empowered to make all necessary contracts and expend all reasonable sums of money in connection with the purchase, erection and dedication of said monument provided in section 1 of this Act, subject to approval, as hereinafter provided. Upon the completion of their work the said commissioners shall make a full report to the Governor of their acts and doings under this Act.

§ 3. For the purpose of carrying out the provisions of this Act, the sum of five thousand dollars (\$5,000.00), or so much thereof as shall be necessary, is hereby appropriated to pay the costs and expenses of the procurement, erection and dedication of the said monument.

§ 4. The Auditor of Public Accounts is hereby authorized, empowered and directed to draw warrants on the State Treasurer for the payment of all expenditures necessary to carry out the provisions of this Act, as herein provided, upon presentation to him of proper vouchers therefor, certified to by the said commissioners and by and with the approval of the Governor.

APPROVED June 26, 1913.

MONUMENT—STEPHEN A. DOUGLAS, STATUE AT CAPITOL.

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| § 1. State Art Commission to secure designs. | § 3. Appropriates \$1,000—how drawn. |
| § 2. Report and recommendations—limitation of
of cost. | |

(SENATE BILL NO. 654. APPROVED JUNE 21, 1913.)

AN ACT *to make provision for the erection of a statue of Stephen A. Douglas on the Capitol grounds, and to make an appropriation therefor.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the State Art Commission is hereby authorized and empowered to secure designs for a bronze statue of Stephen A. Douglas, to be erected on the Capitol grounds, of size and proportions suitable to the location.

§ 2. From the designs secured, the commission shall select the one which it shall deem most artistic and appropriate, and shall prepare a careful estimate of the total cost of making and erecting the same, the complete cost of which shall not exceed twenty-five thousand dollars (\$25,000.00), and shall make a complete report to the Governor, who shall submit the report of the commission to the Forty-ninth General Assembly, together with his recommendations thereon.

§ 3. To carry out the provisions of this Act, the sum of one thousand dollars, or so much thereof as may be needed, is hereby appropriated, and the Auditor of Public Accounts is authorized to draw warrants on the State Treasurer for the payment of the necessary expenditures upon presentation of proper vouchers therefor, certified to by the president and secretary of the State Art Commission, by and with the approval of the Governor.

APPROVED June 21, 1913.

MONUMENT—FT. EDWARDS, AT WARSAW.

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| Preamble. | § 2. Appointment of commission. |
| § 1. Appropriates \$2,500—location. | § 3. How drawn. |

(SENATE BILL NO. 439. APPROVED JUNE 27, 1913.)

AN ACT *making an appropriation for the erection of a monument in Fort Edwards.*

WHEREAS, The year 1914 marks the centennial anniversary of the establishment of Fort Edwards in the second war with Great Britain, or the war of 1812, which fort was erected by Capt. Zachary Taylor, afterwards President of the United States, which centennial is to be fittingly celebrated by the people of Warsaw and Western Illinois; and

WHEREAS, Said fort was named in honor of the then Territorial Governor, Ninian Edwards, who subsequently became the first chief executive of the State; and

WHEREAS, It is fitting that the historical spots of the State, should be appropriately marked, ere they are lost in legendary lore; and

WHEREAS, The location of Fort Edwards is one of the most picturesque along the Mississippi river, overlooking three states, of Illinois, Iowa and Missouri, with a grand sweep of the stream, while the Des Moines river empties therein at a point just opposite, making it an ideal site for a monument;

THEREFORE, The following is proposed:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and hereby is appropriated, the sum of twenty-five hundred dollars, or so much thereof as may be necessary, to be expended in the construction and erection of a suitable monument commemorating the establishment of Fort Edwards, built by one who became President of the United States, and named in honor of the State's first Governor; said monument to be erected on an eminence on the East bank of the Mississippi river, in the city of Warsaw, on the site of said fort.

§ 2. The design, construction and erection of said monument shall be under the supervision and construction of a commission of five members, not more than three members to be of any one political party, to be appointed by the Governor, who shall serve without pay, except for their actual expenses.

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants for the sum of twenty-five hundred dollars, or so much thereof as may be necessary, upon vouchers certified to by at least three members of the said commission, and approved by the Governor, and the Treasurer is authorized to pay the same out of any money not otherwise appropriated.

APPROVED June 27, 1913.

MONUMENT—KENESAW MOUNTAIN BATTLEFIELD.

Preamble.

§ 2. Appointment of commissioners—report.

§ 1. Appropriates unexpended balance of \$20,000.

§ 3. How drawn.

(HOUSE BILL NO. 898. APPROVED JUNE 26, 1913.)

AN ACT making an appropriation for the erection of a monument on the battlefield of Kenesaw Mountain, Georgia.

WHEREAS, The Third Brigade, Second Division, of the Fourteenth Army Corps, together with other troops, made a charge upon the Confederate intrenchments at Kenesaw Mountain, Georgia, on the 27th day of June, 1864; and

WHEREAS, Said charge was a most desperate one and probably unparalleled in history; and

WHEREAS, Said Third Brigade was largely composed of Illinois troops, conspicuous for their courage and gallantry; and

WHEREAS, A corporation has been organized and incorporated under the laws of the State of Illinois for the purpose of the erection of a suitable monument to the memory of the men of said brigade who died on that bloody field; and

WHEREAS, Said corporation is known as "The Kenesaw Memorial Association" and has purchased and now owns the land upon which said charge was made and intends to convey same to the Federal government to be perpetuated as a public park; and

WHEREAS, It is a patriotic duty for the people of this State to keep in perpetual remembrance the heroism of our fallen soldiers; now, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby reappropriated to the Kenesaw Memorial Association the unexpended balance of the twenty thousand dollars (\$20,000.00) appropriated by the Forty-seventh General Assembly to be used for the erection of a monument on the battlefield of Kenesaw Mountain, Georgia, to the memory of the Illinois soldiers who died there on the 27th day of June, 1864.

§ 2. That for the purpose of carrying out the provisions of this Act, the Governor shall appoint three officers of the Kenesaw Memorial Association who shall be commissioners and shall make full report to the Governor of their acts and doings hereunder, who shall receive no compensation for their services.

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the Treasurer on the presentation of proper vouchers certified by said commissioners and approved by the Governor to the full amount of this appropriation.

APPROVED June 26, 1913.

. MONUMENT—ABRAHAM LINCOLN, STATUE AT CAPITOL.

§ 1. State Art Commission to secure designs.

§ 3. Report to Governor and General Assembly.

§ 2. Preliminary arrangements—unveiling in 1918.

§ 4. Appropriates \$10,000—how drawn.

(SENATE BILL NO. 249. APPROVED MAY 27, 1913.)

AN ACT to make provision for the erection of a statue of Abraham Lincoln on the Capitol grounds, and to make an appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the State Art Commission is hereby authorized and empowered to secure designs for a bronze statue of Abraham Lincoln, to be erected on the Capitol grounds, directly in front of the Capitol, at the east entrance thereof, facing toward Capitol avenue, of size and proportions suitable to the location.

§ 2. The commission is authorized to secure the services of the best artists, and to do all things necessary and proper to carry out the intent and purposes of this Act, which is hereby declared to be the making of preliminary [preliminary] arrangements for the erection, in a most prominent position on the grounds of the State Capitol, of a statue worthy of Illinois and of her most illustrious son, the unveiling of which shall be a particular feature of the Illinois Centennial in 1918.

§ 3. From the designs secured, the commission shall select the one which it shall deem most artistic and appropriate, and shall prepare a

careful estimate of the total cost of making and erecting the statue, and shall make a complete report to the Governor, who shall submit the report of the commission to the Forty-ninth General Assembly, together with his recommendations thereon.

§ 4. To carry out the provisions of this Act, the sum of ten thousand dollars, or so much thereof as may be needed, is hereby appropriated, and the Auditor of Public Accounts is authorized to draw warrants on the State Treasurer for the payment of the necessary expenditures, upon presentation of proper vouchers therefor, certified to by the president and secretary of the State Art Commission, by and with the approval of the Governor.

APPROVED May 27, 1913.

MONUMENT—PERRY'S VICTORY, PUT-IN-BAY, OHIO.

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| § 1. Appropriates \$50,000 for expenses of commission and towards erection of memorial. | § 4. Fund for expenses and employees. |
| § 2. How disbursed. | § 5. Coöperation with similar commissions. |
| § 3. State not to incur debt, etc. | § 6. Reports to Governor. |
| | § 7. Emergency. |

(HOUSE BILL NO. 756. APPROVED JUNE 23, 1913.)

AN ACT making an appropriation for the payment of the expenses of the Perry's Victory Centennial Celebration Commission of Illinois, and the participation of the State of Illinois in the erection of a contemplated memorial at Put-In-Bay, Ohio, in commemoration of the victory of Commodore Oliver Hazard Perry on Lake Erie, and in the centennial celebration thereof, in the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated out of any funds in the State treasury not otherwise appropriated, the sum of fifty thousand dollars (\$50,000.00), to be used in the payment of the expenses of the commission appointed to represent the State of Illinois in the Perry's Victory Centennial Celebration to be held in the year 1913, and towards the erection of a memorial in commemoration of the victory of Commodore Oliver Hazard Perry on Lake Erie.

§ 2. The said fifty thousand dollars (\$50,000.00) or such part thereof as shall be necessary, shall be disbursed, upon certified vouchers approved by the president and treasurer of Perry's Victory Centennial Commission of Illinois, which commission shall receive as a proper voucher, or as proper vouchers, the receipt or receipts of the treasurer general of the interstate board of the Perry's Victory Centennial Commissioners for the funds turned over to said board by it, to aid in the erection of the said permanent memorial monument and otherwise in aiding and promoting the success of said centennial celebration.

§ 3. The making of the appropriation provided for in section 1 of this Act shall in no way operate by implication or otherwise to require

the State of Illinois to incur any debt or obligation in the erection of such memorial or in connection with said celebration aside from the sum of fifty thousand dollars (\$50,000.00) thus appropriated.

§ 4. From the said sum of fifty thousand dollars (\$50,000.00) so appropriated, the said Perry's Victory Centennial Commission of Illinois may devote a sum not to exceed five thousand dollars (\$5,000.00) for their actual necessary expenses in connection with their work, including the hire of such secretarial and clerical assistance as may be necessary in their judgment, provided the said commission shall receive no compensation other than their actual and necessary expenses in attending their official duties.

§ 5. In the disbursement of the appropriation herein provided for, the said Perry's Victory Centennial Commission of Illinois shall act in conjunction with such similar commissions as have been and may be appointed by other participating states and by the National government and which may henceforth coöperate in holding such centennial celebration and in erecting such permanent memorial monument.

§ 6. The said Perry's Victory Centennial Commission of Illinois shall make a report to the Governor of Illinois, as often as required by him, of the action and progress of said commission, and such other matters pertaining to such proposed celebration as may be of interest to the people of the State of Illinois, and upon the conclusion of said celebration and the completion of such memorial monument, the said commission shall present their final report.

§ 7. WHEREAS, An emergency exists, therefore the provisions of this Act shall take effect and be in force from and after its passage.

APPROVED June 23, 1913.

MONUMENT—SOLDIERS OF 1812, BRONZE TABLET AT SPRINGFIELD.

§ 1. Appointment of commissioners—duties. | § 2. Appropriates \$1,200—how drawn.

(HOUSE BILL NO. 346. APPROVED JUNE 21, 1913.)

AN ACT *making an appropriation for the making and placing of a bronze tablet to the memory of the Illinois soldiers of the war of 1812 in Memorial hall at Springfield, Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Governor be and he is hereby authorized and empowered to appoint three commissioners who shall act without compensation, and whose duty it shall be to arrange for the designing, construction and erection in Memorial hall at Springfield, Illinois, of a suitable bronze tablet to the memory of the Illinois soldiers of the war of 1812.

§ 2. For the purpose of defraying the cost of designing, constructing and erecting such memorial tablet there is hereby appropriated the sum of twelve hundred dollars, or so much thereof as may be necessary. The Auditor of Public Accounts is hereby authorized and directed to

draw his warrants on the Treasurer on the presentation of proper vouchers certified by said commissioners and approved by the Governor for the amount of such appropriation.

APPROVED June 21, 1913.

NATIONAL GUARD AND NAVAL RESERVE—ARMORY, 2D REGIMENT, CHICAGO.

§ 1. Sale and conveyance of old building and lands—appropriation of proceeds towards new armory.

§ 2. How drawn.

(HOUSE BILL NO. 891. APPROVED JUNE 21, 1913.)

AN ACT *making an appropriation of the proceeds of the sale of the building and lands now owned by the State of Illinois and used for an armory by the Second Regiment, Illinois National Guard.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That when the Governor and the Adjutant General shall have sold and conveyed all the right, title and interest of the State of Illinois, in and to the building and lands now owned by the State of Illinois, and used for an armory by the Second Regiment, Illinois National Guard, as authorized by the provisions of an Act entitled, "An Act providing for the sale and conveyance of all the right, title and interest of the State of Illinois, in and to the building and lands now owned by the State of Illinois, and used for an armory by the Second Regiment, Illinois National Guard," approved June 9, 1911, in force July 1, 1911, and when the purchase price thereto shall have been covered into the State treasury, as provided by section 4 of said Act, the sum so received for the sale of such building and land, and so covered into the State treasury, shall be and is hereby appropriated for the construction of a new armory for the Second Regiment, Illinois National Guard, as now authorized by law. The sum hereby appropriated shall be in addition to any sum or sums heretofore or hereafter appropriated for the construction of such armory for such Second Regiment, Illinois National Guard.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant[s] on the Treasurer, for the sums herein specified, upon presentation of proper vouchers certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the moneys hereby appropriated.

APPROVED June 21, 1913.

NATIONAL GUARD AND NAVAL MILITIA—ARMORY, 8TH INFANTRY,
CHICAGO.

Preamble.

§ 1. Payment by city of Chicago—reappropriates
\$19,530 towards new armory.

§ 2. How drawn.

(HOUSE BILL NO. 621. APPROVED JUNE 21, 1913.)

AN ACT appropriating to the Armory Commission the moneys paid into the State treasury by the city of Chicago on account of the purchase of a tract of land heretofore conveyed to the Armory Commission for an armory site for the use of the Eighth Infantry, Illinois National Guard.

WHEREAS, By virtue of an Act entitled, "An Act in relation to procuring of sites and for the erection of armory buildings for the use of the Illinois National Guard and Illinois Naval Reserve, and making an appropriation therefor," approved June 9, 1911, in force July 1, 1911, an appropriation of \$100,000 was made for the acquisition of land and for the erection of an armory for the use of the Eighth Infantry, Illinois National Guard; and

WHEREAS, The Armory Commission created by said Act, acting under the powers conferred by said Act, selected as a site for said armory for said Eighth Infantry, Illinois National Guard, a piece, parcel or tract of ground contiguous to a school in the city of Chicago known as the Doolittle school, and on the 7th day of March, 1912, A. D. 1912, acquired title thereto in the name of the People of the State of Illinois, by warranty deed of that date and paid as a consideration therefor the sum of eighteen thousand six hundred and seventy-four dollars and sixty-six cents (\$18,674.66); and

WHEREAS, Said Armory Commission incurred and paid for the preparation of plans for an armory on said site the sum of seven hundred and fifty dollars (\$750); and

WHEREAS, It was a mutual convenience for the State of Illinois to abandon the erection of an armory building on the site so selected and purchased and for the city of Chicago, for the use of schools, to acquire the site so procured by the State of Illinois for armory purposes as aforesaid; and

WHEREAS, Said Armory Commission, acting for and on behalf of the State of Illinois, and the board of education of the city of Chicago, acting for and on behalf of the city of Chicago, have entered into a tentative agreement in and by which the State of Illinois, through the General Assembly, will sell and convey, and the city of Chicago, for the use of schools, will acquire and purchase the site so selected and acquired by said Armory Commission and will pay therefor the sum of nineteen thousand four hundred and twenty-four dollars and sixty-six cents (\$19,424.66); and

WHEREAS, By an Act entitled, "An Act providing for the sale and conveyance of all the right, title and interest of the State of Illinois in and to certain lands in the city of Chicago purchased by the State for

an armory site for the Eighth Infantry, Illinois National Guard," passed by this General Assembly, it is provided that said tentative agreement be and the same is hereby ratified and confirmed; and

WHEREAS, Pursuant to said last above mentioned Act, the city of Chicago will pay into the treasury of the State of Illinois the sum of nineteen thousand five hundred and thirty dollars (\$19,530) on account of the purchase by the city of Chicago of the land mentioned and described in said Act; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever the city of Chicago pays into the State treasury the sum of nineteen thousand five hundred and thirty dollars (\$19,530) for and on account of the purchase of the following described tract, piece, or parcel of land, to wit:

Lots three (3) to seven (7), all inclusive, in Vandervoort's subdivision of lots one (1) and two (2), in block four (4) of James R. Ellis' West Addition to Chicago, in the southeast quarter (S. E. $\frac{1}{4}$) of section thirty-four (34), township thirty-nine (39) North, range fourteen (14) East of the Third Principal Meridian; said property having a frontage on East Thirty-fifth street, of one hundred twenty-five (125) feet, by a depth of two hundred thirty-one (231) feet, more or less, situated in the city of Chicago, county of Cook and State of Illinois; the said sum of \$19,424.66 shall be, and the same is hereby reappropriated to the Armory Commission, to be used in assisting in the erection and construction of the armory for the Eighth Infantry, Illinois National Guard.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums herein appropriated upon the presentation of proper vouchers, certified by the Adjutant General, and approved by the Governor.

APPROVED June 21, 1913.

NATIONAL GUARD AND NAVAL RESERVE—ARMORY BUILDINGS,
COMPLETION.

§ 1. Appropriates \$135,000.

| § 2. How drawn.

(HOUSE BILL NO. 848. APPROVED JUNE 25, 1913.)

AN ACT making an appropriation of additional sums for the completion of armories now under construction.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of one hundred and thirty-five thousand dollars (\$135,000) for the completion of armories now under construction and authorized by an Act entitled, "An Act in relation to procuring of sites and for the erection of armory buildings for the use of the Illinois National Guard and Illinois Naval Reserve, and making an appropria-

tion therefor," approved June 9, 1911, in force July 1, 1911. The appropriation hereby made shall be used for the completion of armories now under construction, as follows:

Second Infantry	\$100,000
Quincy Armory	20,000
Woodstock Armory	5,000
Aurora Armory	10,000
Total	\$135,000

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of any moneys not otherwise appropriated.

APPROVED June 25, 1913.

NATIONAL GUARD AND NAVAL RESERVE—ARMORY BUILDINGS AND SITES.

§ 1. Commission created.	§ 5. Purchase of sites and buildings at Kewanee and Morrison—title in State.
§ 2. Officers of commission.	§ 6. Appropriates \$325,000 for sites and armories.
§ 3. Duties of commission—titles in State.	§ 7. How drawn.
§ 4. Title of sites in State—supervision of construction, etc.—contracts.	

(HOUSE BILL NO. 849. APPROVED JUNE 28, 1913.)

AN ACT in relation to procuring of sites and for the erection of armory buildings for the use of the Illinois National Guard, and making an appropriation therefor and for the purchase of sites and armory buildings at Kewanee, and Morrison, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a commission, consisting of the Adjutant General, division commander and the regimental commanders of the organizations for which armories are to be erected, as hereinafter provided for in this Act, is hereby constituted, with full power to carry out the provisions of this Act, as hereinafter set forth.

§ 2. It shall be the duty of the commission named in section 1 of this Act to meet and organize, as soon as practicable after the taking effect of this Act, by electing out of their number a president and another secretary.

§ 3. It shall be the duty of said commission to select suitable sites, and procure in the name of the State of Illinois, title to each of the sites so selected, for the erection of armories for the use of the following respective organizations of the Illinois National Guard:

- (1) First Cavalry, Chicago.
- (2) Third Infantry, Ottawa.

[3] Sixth Infantry, Galesburg.

[4] Sixth Infantry, Moline.

[5] Third Infantry, Kankakee.

All title deeds shall be filed in the office of the Secretary of State.

§ 4. After said commission shall have selected sites for the erection of the respective armories above provided for in section 3 of this Act, and acquired, in the name of the State of Illinois, title to such respective sites so selected, it shall be the duty of said commission to exercise the general management, control and supervision of all matters pertaining to the erection and construction of said armories, and shall make and let all contracts necessary fully to construct, build and erect such armories.

§ 5. The said commission shall be empowered to purchase sites and armory buildings at Kewanee and Morrison, Illinois, and to secure title therefor in the name of the State of Illinois.

§ 6. In order to carry out the provisions of this Act there is hereby appropriated the following sums for securing sites and for the erection of the respective armories; that is to say:

(1) First Cavalry, Chicago.....	\$225,000
(2) Third Infantry, Ottawa.....	30,000
[3] Sixth Infantry, Galesburg.....	50,000
[4] *Sixth Infantry, Moline [vetoed].....	50,000
[5] *Third Infantry, Kankakee [vetoed].....	40,000
[6] For the purchase of sites and armory building at Kewanee, Illinois	20,000
[7] *For the purchase of sites and armory building at Mor- rison, Illinois [vetoed].....	20,000

Total[\$325,000] [\$]435,000

§ 7. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant[s] on the Treasurer for the sums herein specified upon the presentation of proper vouchers, certified to by the Adjutant General, and approved by the Governor, and the Treasurer shall pay the same out of any moneys not otherwise appropriated.

APPROVED June 28, 1913.

* I hereby certify that the foregoing Act, as printed above, except the words and figures in bracket^s, is a correct copy of House Bill No. 849, as enrolled and submitted to the Governor for his approval. The items marked with a star (*), to wit: "Sixth Infantry, Moline, 50,000;" "Third Infantry, Kankakee, 40,000," and "For the purchase of sites and armory building at Morrison, Illinois, 20,000," as printed above, were vetoed by the Governor, by which action the total appropriation to the commission, for the purposes stated in this Act, is reduced from \$435,000, as printed above, to \$325,000.

HARRY WOODS,
Secretary of State.

NATIONAL GUARD AND NAVAL RESERVE—ARMORY BUILDINGS AND SITES,
BALANCES UNEXPENDED.

§ 1. Reappropriates unexpended balances—how drawn.

(HOUSE BILL NO. 851. APPROVED JUNE 27, 1913.)

AN ACT to reappropriate the unexpended balance of appropriations made by an Act entitled, "An Act in relation to procuring of sites and for the erection of armory buildings for the use of the Illinois National Guard and Illinois Naval Reserve, and making an appropriation therefor," approved June 9, 1911, in force July 1, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and hereby is appropriated the unexpended balance of the appropriations made for the several purposes specified in section 5 of an Act entitled, "An Act in relation to procuring of sites and for the erection of armory buildings for the use of the Illinois National Guard and Illinois Naval Reserve, and making an appropriation therefor," approved June 9, 1911, in force July 1, 1911, the appropriation hereby made being for the several purposes expressed in said Act, to be paid out of the State treasury for said purposes, and in the manner in said Act provided. The appropriations hereby made shall be in addition to any appropriation heretofore or hereafter made for said purposes respectively.

APPROVED June 27, 1913.

NATIONAL GUARD AND NAVAL RESERVE—FLOOD EMERGENCY EXPENSES.

§ 1. Appropriates \$58,291.12 as emergency fund to Governor.

§ 2. How drawn.

§ 3. Emergency.

(HOUSE BILL NO. 788. APPROVED JUNE 19, 1913.)

AN ACT to provide for the emergency expenses of the Illinois National Guard and the Illinois Naval Reserve incurred in the protection of life and property in the flooded territories of the State.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$58,291.12 is hereby appropriated as an emergency fund, to be used by the Governor to pay the expenses of the Illinois National Guard and the Illinois Naval Reserve, contracted by reason of the necessary use of the Illinois National Guard and Illinois Naval Reserve in the protection of life and property in the recently flooded sections of the State. No portion of said sum shall be expended or paid except upon the express order of the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper itemized vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money herewith appropriated.

§ 3. WHEREAS, An emergency exists; therefore, this Act shall be in force from and after the date of its passage and approval.

APPROVED June 19, 1913.

NATIONAL GUARD, AND NAVAL RESERVE—FLOOD RELIEF INDEBTEDNESS.

§ 1. Appropriates \$52,000.

| § 2. How drawn—emergency.

(HOUSE BILL NO. 789. APPROVED JUNE 19, 1913.)

AN ACT to provide appropriation for the purpose of defraying the indebtedness incurred on the part of the State in furnishing relief to the people living in those sections of the State recently visited by devastating floods.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$52,000 or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the indebtedness incurred on the part of the State in furnishing relief to the people living in those sections of the State recently visited by devastating floods.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General, and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

WHEREAS, An emergency exists; therefore, this Act shall be in force from and after the date of its passage and approval.

APPROVED June 19, 1913.

NATIONAL GUARD AND NAVAL RESERVE—ORDINARY AND CONTINGENT.

§ 1. Appropriates \$389,917 per annum for ordinary expenses and \$50,000 as emergency fund.

| § 2. How drawn.

(HOUSE BILL NO. 622. APPROVED JUNE 25, 1913.)

AN ACT to provide for the ordinary and contingent expenses of the Illinois National Guard and Illinois Naval Reserve.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That three hundred eighty-nine thousand, nine hundred seventeen dollars (\$389,917.00) per annum, or so much thereof as may be necessary, is hereby appropriated to pay the ordinary and contingent expenses of the Illinois National Guard and Illinois Naval Reserve:

Transportation, subsistence, camp pay, officers and men under orders	\$167,917.00
Horse hire and forage	15,000.00
Medical supplies, fuel for camp, coal, for steaming U. S. Dubuque, naval supplies, general expenses, engine room repairs and supplies	7,500.00
Inspection of companies at home stations, boards of examiners, survey and court martial	6,000.00

Lighting camp, laundering bed sacks and blankets, telephones, general repairs and incidentals.....	\$ 3,500.00
Target practice, ammunition, transportation, repairs and general expense on rifle range.....	37,500.00
Civilian employees.....	10,000.00
Horses for drills.....	7,000.00
Armory rents, water, light, fuel, janitor service, incidentals necessary to maintenance of armories.....	130,000.00
Miscellaneous expenditures.....	5,500.00
Total	\$389,917.00

That the further sum of fifty thousand dollars (\$50,000.00) is hereby appropriated as an emergency fund to be used by the Governor in case of emergency when the Illinois National Guard or Illinois Naval Reserve are called into active duty by the Governor to protect the life and property of the citizens of the State. No portion of said sum shall be expended or paid except upon the express order of Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

APPROVED June 25, 1913.

NATIONAL GUARD AND NAVAL RESERVE—UNIFORMS, ARMS AND EQUIPMENT.

§ 1. Appropriates \$12,000.

| § 2. How drawn.

(HOUSE BILL NO. 619. APPROVED JUNE 27, 1913.)

AN ACT to provide for the care, repair, preservation and maintenance of uniforms, arms and equipment of the Illinois National Guard and the Illinois Naval Reserve.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$12,000.00, or so much thereof as may be necessary, is hereby appropriated to pay for the care, repair, preservation and maintenance of uniforms, arms and equipment of the Illinois National Guard and the Illinois Naval Reserve.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

APPROVED June 27, 1913.

NEGRO EMANCIPATION CELEBRATION COMMISSION.

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| <p>§ 1. Commission created—objects of exhibition and celebration—no compensation to commission—expenses and employees—secretary—powers and duties.</p> <p>§ 2. Appropriates \$25,000—allowance for compilation—how drawn.</p> | <p>§ 3. Organization of commission—notice—approval and payment of warrants.</p> <p>§ 4. Reports to Governor.</p> <p>§ 5. No indebtedness in excess of appropriation.</p> |
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(HOUSE BILL NO. 919. APPROVED JUNE 27, 1913.)

AN ACT *providing for an exhibition and celebration to commemorate the fiftieth anniversary of the emancipation of the negro, creating a commission to conduct same and making an appropriation therefor.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby created a commission, to consist of the Governor, and eight persons, residents of the State of Illinois, two of whom shall be members of the Senate and two of the House of Representatives in the State of Illinois; all of whom shall be appointed by the Governor, to arrange for and conduct during the year 1915 at a place to be selected by said commission, an exhibition and celebration to commemorate the fiftieth anniversary of the freeing of the negro from slavery. Such exhibition and celebration shall be so conducted as to show the industrial, educational and religious progress of the negro inhabitants of this commonwealth. The commission shall serve without compensation, but shall be allowed such expenses for traveling; clerical help, stenographers and necessary employees as shall be actually and necessarily incurred in the performance of its duty: *Provided, however,* that the secretary of said commission, who shall be elected by said commission, and who may or may not be a member of said commission, shall receive such reasonable compensation as shall be determined upon and fixed by said commission. Said commission shall have full power and authority to collect, maintain and properly house said exhibit, and pay the expenses thereof.

§ 2. To carry out the purposes of this Act the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated. That the said commission shall be allowed the use of the twenty-five thousand dollars thus appropriated, a sum not to exceed three thousand dollars for the collection and printing for free distribution a suitable compilation showing the progress thus far achieved by the negroes of Illinois during the past fifty years. All payments shall be made on warrants of the Auditor of Public Accounts on vouchers of the commission approved by him.

§ 3. As soon after the organization of the commission, notice shall be filed with the State Treasurer and State Auditor of Public Accounts, of the election of the officers of said commission who, from time to time, shall be authorized through the president and secretary of said commission, to draw warrants on the State Auditor of Public Accounts for such salaries or expenses incurred by the State commission, such warrants, however, to be subject to approval of the Governor of the State of Illinois, and the Treasurer of the State of Illinois is hereby directed and empowered to pay the same.

§ 4. The commission shall annually make a report to the Governor, and within 60 days after the close of its exhibition, the commission shall make a complete report and statement of all of its doings, which shall include all exhibits and representations made, and the awards made on such exhibits, if any, and such other matters as the commission may deem of value to the State of Illinois, together with a list of all receipts and disbursements, with complete vouchers therefor. The commission shall keep a strict account of its receipts and disbursements.

§ 5. The commission shall in no manner create or incur any indebtedness or obligation in behalf of the State of Illinois in excess of any appropriation herein made.

APPROVED June 27, 1913.

OAK WOODS CEMETERY ASSOCIATION, CHICAGO—SOLDIERS BURIAL PLACE,
MAINTENANCE.

§ 1. Appropriates \$1,000—income for maintenance—bond. | § 2. How drawn.

(SENATE BILL NO. 320. APPROVED JUNE 21, 1913.)

AN ACT making an appropriation for the perpetuation and care of burial place of deceased veterans of Civil and other wars.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one thousand dollars (\$1,000.00) or so much thereof as may be necessary is hereby appropriated to the Oak Woods Cemetery Association of Chicago, Cook county, Illinois, the income from which to be used by said association for the purposes of maintaining, caring for and perpetuating the burial place in Oak Woods cemetery, city of Chicago, county of Cook, of the deceased soldiers of the Civil and subsequent wars; conditioned, however, that said cemetery association shall give a bond in the sum of one thousand dollars (\$1,000.00) for the faithful carrying out of the provisions of this Act, said bond to be approved by the Auditor of Public Accounts.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the amount herein appropriated upon presentation of proper vouchers certified to by Adjutant General and approved by the Governor.

APPROVED June 21, 1913.

PENAL AND REFORMATORY—NEW PENITENTIARY AND NEW ASYLUM.

§ 1. Reappropriates unexpended balance of \$500,000.	§ 3. Appropriates \$60,000.
§ 2. Reappropriates unexpended balance of \$100,000.	§ 4. How drawn.

(SENATE BILL NO. 695. APPROVED JUNE 25, 1913.)

AN ACT *making an appropriation for the building of a new Illinois State penitentiary and a new Illinois asylum for the insane criminals and matters incidental and pertaining thereto, at or near the city of Joliet.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the unexpended balance of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, of the sum heretofore appropriated by an Act entitled, "An Act making an appropriation for the acquisition of land for the re-location of the Illinois State Penitentiary and the Illinois Asylum for Insane Criminals and for the building of a new Illinois State penitentiary and a new Illinois asylum for insane criminals at or near the city of Joliet, and making an appropriation therefor," approved June 5, 1907, in force July 1, 1907, as amended by an Act approved June 11, 1909, in force July 1, 1909, and as amended by an Act approved June 7, 1911, and in force July 1, 1911, and remaining unexpended at the expiration of the first fiscal quarter after the adjournment of the Forty-eighth General Assembly, and not otherwise appropriated, is hereby re-appropriated for the purposes expressed in said Acts, to be paid out of the State treasury for said purposes, and in the manner in said Acts provided. The appropriation herein provided for shall also be used for the drainage of said land, the construction of necessary railroad tracks to the site for the re-location of said penal institutions, the construction of temporary stockades, and a sewerage system, and to provide for water supply and all such matters as are incidental, necessary and pertaining to the building of said penal institutions, including the preliminary work.

§ 2. That the unexpended balance of one hundred thousand dollars (\$100,000), heretofore appropriated by section 2 of an Act entitled, "An Act making an appropriation for the acquisition of land, and matters incidental and pertaining thereto, for the re-location of the Illinois State penitentiary and the Illinois Asylum for Insane Criminals, and for the building of a new Illinois State penitentiary and a new Illinois asylum for insane criminals at or near the city of Joliet, and repealing a part of a certain Act therein named," approved June 7, 1911, in force July 1, 1911, or so much thereof as may be necessary, and which shall remain unexpended at the expiration of the first fiscal quarter after the adjournment of the Forty-eighth General Assembly, and not otherwise appropriated, is hereby reappropriated for the purposes expressed in section 1 of this Act, to be paid out of the State treasury, for said purposes, and in the manner provided for in the Acts mentioned and referred to in section 1 of this Act.

§ 3. That in addition to the sums herein and heretofore appropriated by sections 1 and 2 of this Act, the further and additional sums of sixty thousand dollars (\$60,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys not otherwise appropriated, which shall be used for the purposes expressed in section 1 of this Act, to be paid out of the State treasury for said purposes, and in the manner provided in the Acts mentioned and referred to in section 1 of this Act.

§ 4. The Auditor of Public Accounts is hereby authorized to draw his warrants on the State Treasurer for the moneys herein appropriated upon proper vouchers, duly attested by a majority of the penitentiary commission.

APPROVED June 25, 1913.

PENAL AND REFORMATORY—SOUTHERN PENITENTIARY.

§ 1. Appropriates \$200,000 per annum for ordinary expenses and \$27,700 for certain purposes.

§ 2. How drawn.

(HOUSE BILL NO. 398. APPROVED JUNE 28, 1913.)

AN ACT making appropriations for the Southern Illinois Penitentiary at Chester.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts, or as much thereof as may be necessary, be, and the same are, hereby appropriated to the Southern Illinois Penitentiary at Chester, for the purpose hereinafter named.

For ordinary expenses of the penitentiary, and for the expenses of the commissioners and officers, for the two (2) years ending June 30, 1915, \$200,000.00 per annum;

For maintaining the library and furnishing the chapel, \$350.00 per annum;

For expense enforcing the parole law, \$5,000.00 per annum;

For repairs and furnishings, \$3,000.00 per annum;

For necessary repairs in the heating system, the sum of \$5,000.00;

For new barn to replace one recently destroyed by fire, the sum of \$6,000.00.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants for the sums hereby appropriated, upon the presentation of itemized vouchers, certified to, by the Board of Commissioners of said penitentiary, signed by the president, and attested by the secretary, with the seal of the institution attached, and approved by the Governor.

APPROVED June 28, 1913.

PENAL AND REFORMATORY—STATE PENITENTIARY.

§ 1. Appropriates \$265,000 per annum for ordinary expenses and \$70,000 for purposes named.

§ 2. How drawn.

(HOUSE BILL NO. 641. APPROVED JUNE 21, 1913.)

AN ACT to make appropriation for ordinary and other expenses of the Illinois State Penitentiary.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts, or so much thereof as may be necessary, be, and the same are hereby appropriated to the Illinois State Penitentiary at Joliet, for the purposes hereinafter named and no other:

For ordinary expenses and for the expenses of the commissioners and officers, for the year ending June 30, 1914, \$265,000.

For ordinary expenses and for the expenses of the commissioners and officers, for the year ending June 30, 1915, \$265,000.

For meeting the expenses of maintaining and operating the parole system, the sum of ten thousand dollars per annum, \$20,000.

For painting, relaying floors, renewing roofs, and walls of buildings, renewing and rebuilding steam and water pipes, engines, boilers and machinery, and to make other such repairs and renewals as may be required to keep said prison plant in ordinary repair, the sum of \$12,500 per annum, \$25,000.

For a stone crusher, No. 11, capacity 2,500 yards per day, \$15,000.

For new cars, dynamos, motors, conveyors, complete equipment and cost of installation, \$10,000.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants for the sums hereby appropriated upon the presentation of itemized vouchers, certified to by the Board of Commissioners of said penitentiary, signed by the president and attested by the secretary with the seal of the institution attached, and approved by the Governor.

APPROVED June 21, 1913.

PENAL AND REFORMATORY—STATE REFORMATORY.

§ 1. Appropriates \$170,000 per annum for ordinary expenses and \$61,450 for purposes named.

§ 2. How drawn.

(HOUSE BILL NO. 225. APPROVED JUNE 21, 1913.)

AN ACT to make appropriations for ordinary and other expenses of the Illinois State Reformatory at Pontiac.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts, or so much thereof as may be necessary, be, and the same are, hereby appropriated to the Illinois State Reformatory at Pontiac, for the purposes hereinafter named, and no other:

For ordinary expenses of the Reformatory and expenses of the Board of Managers for the year ending June 30, 1914.....	\$170,000
For ordinary expenses of the Reformatory and expenses of the Board of Managers for the year ending June 30, 1915....	170,000
For maintaining the parole system, \$10,000 per annum.....	20,000
For maintenance of electric lights, telephone, telegraph and fire alarm system, and purchase of two hot water heaters and one new switchboard.....	2,000
For material for trade school instruction, \$2,500 per annum..	5,000
For school books for inmates, school seats, desks, charts, reference books, etc., and the purchase of books for library, \$1,250 per annum.....	2,500
For repair of farm buildings, and the purchase of additional cows and horses.....	1,000
For maintenance and extension of manual training school, \$5,000 per annum.....	10,000
For lectures, entertainments, concerts, etc., \$500.00 per annum	1,000
For general repairs and improvements and fitting up the inmates' bathroom in south cell house, \$2,500 per annum...	5,000
For the purchase and installation of machinery necessary for completion of the plant for the manufacture of artificial ice..	3,900
For the purchase of material with which to erect a one-story fire-proof building for a laundry.....	5,650
For the purchase and installation of machinery for laundry...	5,000
For maintenance of Y. M. C. A., \$200 per annum.....	400

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants for the sums hereby appropriated upon the presentation of itemized vouchers, certified to by the Board of Managers of said Reformatory, signed by the president and attested by the secretary, with the seal of the institution attached, and approved by the Governor.

APPROVED June 21, 1913.

PORTRAIT OF CHARLES S. DENEEN.

§ 1. Appropriates \$1,000.

| § 2. How drawn.

(SENATE BILL NO. 86. APPROVED APRIL 18, 1913.)

AN ACT to make an appropriation for the painting of a portrait of former Governor Charles S. Deneen.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and hereby is appropriated the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, for the purpose of the painting of a portrait of former Governor Charles S. Deneen, such portrait to be painted by such artist as he may designate, and placed in a frame and hung in an appropriate position in the office of the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sum herein appropriated upon the order of the Governor on proper vouchers duly certified to by him.

APPROVED April 18, 1913.

PORTRAIT OF JOHN G. OGLESBY.

§ 1. Appropriates \$500. | § 2. How drawn.

(SENATE BILL NO. 1. APPROVED APRIL 18, 1913.)

AN ACT *to make an appropriation for the painting of a portrait of former Lieutenant Governor John G. Oglesby.*

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and hereby is appropriated the sum of five hundred dollars (\$500.00) for the purposes of a painting of the portrait of former Lieutenant Governor John G. Oglesby, such portrait to be painted by such artist as he may designate, and placed in a frame and hung in an appropriate position in the office of the President of the Senate.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the treasury (Treasurer) for the sum herein appropriated, payable out of the money in the treasury not otherwise appropriated, upon the order of the President of the Senate on proper vouchers duly certified to by him.

APPROVED April 18, 1913.

POULTRY ASSOCIATION.

§ 1. Appropriates \$1,000 per annum.

| § 3. How drawn.

§ 2. No moneyed compensation to officers.

| § 4. Vouchers—annual report.

(HOUSE BILL NO. 643. APPROVED JUNE 28, 1913.)

AN ACT *making an appropriation for the Illinois State Poultry Association.*

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one thousand dollars (\$1,000.00) per annum for the years 1913 and 1914 be and is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the use and benefit of the Illinois State Poultry Association; said amount to be used for the purpose of assembling and advertising the annual show, paying premiums, providing uniform coats, and defraying the preparatory and other expenses of the annual meeting and show.

§ 2. No officer or officers of the Illinois State Poultry Association shall be entitled to receive any moneyed compensation whatever for any service rendered for the same.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrant for the same and deliver it to the treasurer of the Illinois State Poultry Association, upon his presenting proper itemized vouchers therefor, certified to by the president and secretary of the said association under seal of such corporation.

§ 4. It shall be the duty of the treasurer of the Illinois State Poultry Association to pay out of said appropriation on itemized and receipted vouchers such sums as may be authorized by a vote of the directors of said organization on the order of the president, countersigned by the secretary, and make annual report to the Governor of all expenditures as provided by law.

APPROVED June 28, 1913.

PRINTING, BINDING, PAPER AND STATIONERY—DEFICIENCY.

§ 1. Appropriates \$140,000 for purposes named. | § 2. How drawn.

| § 3. Emergency.

(SENATE BILL NO. 219. APPROVED MAY 20, 1913.)

AN ACT making an appropriation to meet the deficiencies in the appropriations to the Board of Commissioners of State Contracts for the purchase of printing paper and stationery, for public printing, and for public binding under contract by the State of Illinois.

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of meeting the deficiencies in the appropriation for printing paper and stationery for public printing and for public binding, and to provide the necessary funds for said purposes for the period ending September 30, 1913, there be and is hereby appropriated to the Board of Commissioners of State Contracts the following:

For printing paper and stationery, the sum of.....	\$65,000
For public printing, the sum of.....	\$60,000
For public binding, the sum of.....	\$15,000

or so much thereof as may be necessary for such purposes respectively.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein appropriated, said warrants to be drawn only on itemized bills, signed by said Board of Commissioners of State Contracts, and the State Treasurer is hereby directed to pay said warrants, drawn as aforesaid, out of any funds in the State treasury not otherwise appropriated.

§ 3. WHEREAS, An emergency exists, therefore, this Act shall be in force from and after its passage and approval.

APPROVED May 20, 1913.

RELIEF—AWARDS BY COURT OF CLAIMS.

1. Appropriates \$6,567.50 to persons named. | § 2. How drawn.

(HOUSE BILL No. 322. APPROVED JUNE 20, 1913.)

AN ACT *making an appropriation for the payment of the amounts awarded by the Court of Claims to certain persons named therein.*

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of six thousand five hundred sixty-seven and 70-100 dollars (\$6,567.70) to pay awards made by the Court of Claims during the session of 1911 and 1912 to the following named persons:

To Charles Kruger, seven and 90-100 dollars (\$7.90) damages for injuries received while in discharge of his duties as member of the Illinois National Guard.

To Sarah Brockway Smith, two hundred twenty-eight and 2-100 dollars (\$228.02) for damages to trees by the Illinois National Guard.

To Franklin A. Dennison, six hundred dollars (\$600.00), damages for injuries received while in discharge of his duties as a member of the Illinois National Guard.

To William A. Johnson, one hundred fifty dollars (\$150.00) damages on account of injuries received while in discharge of his duties as a member of the Illinois National Guard.

To Herman Halbing, seven hundred fifty dollars (\$750.00), damages for injuries received while in discharge of his duties as a member of the Illinois National Guard.

To Union Boiler Tube & Cleaning Co., three hundred dollars (\$300.00), for use of a patent used by the State.

To Frederick Norcross and Harold B. Wrenn, executors of the will of John H. Wrenn, deceased, three thousand two hundred eighty-three and 50-100 dollars (\$3,283.50), for inheritance tax erroneously assessed and paid into the State treasury.

To Illinois Trust and Savings Bank, executor of the estate of Harriet G. McVickers, deceased, one thousand dollars (\$1,000.00), for inheritance tax collected erroneously and paid into the State treasury.

To Charles E. Cutting, executor of the estate of Florence Lyman, deceased, two hundred forty-eight and 28-100 dollars (\$248.28), inheritance tax erroneously assessed and paid into the State treasury.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said persons respectively for the amounts herein appropriated, upon a proper certification by the Court of Claims, payable out of any money in the treasury not otherwise appropriated.

APPROVED June 20, 1913.

RELIEF—WILLIAM BAKER, OCCUPATIONAL DISEASE.

§ 1. Appropriates \$10,000.

§ 3. How drawn.

§ 2. Duties of Board of Administration—report.

(SENATE BILL NO. 503. APPROVED JUNE 21, 1913.)

AN ACT making an appropriation for the relief of William Baker.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of ten thousand dollars be and is hereby appropriated out of any money in the State treasury not otherwise appropriated for the relief of William Baker, who is suffering with general blastomycosis, an infection, incurable and occupational disease contracted by him in line of duty as inspector in post mortem work in the Union Stock Yards, Chicago, Illinois.

§ 2. It shall be the duty of the Board of Administration to pay the sum of ten thousand dollars (\$10,000.00), herein appropriated to the said William Baker in such manner and at such times and in such amounts as in its judgment will serve best the interests of the said William Baker: *Provided*, that the said Board of Administration, at the expiration of five (5) years from July 1, 1913, shall pay to the said William Baker any unexpended balance of said sum in the possession of the said Board of Administration, or in the event of his decease the balance shall be paid to his estate. The said Board of Administration, when its duties under this Act shall have been fully discharged, shall make a full and detailed report to the Governor as to the manner in which said moneys have been distributed.

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants for the sum of ten thousand dollars (\$10,000.00), payable to the said Board of Administration on requisition[s] signed by said board and attested by its seal, and the State Treasurer is authorized to pay the same out of any moneys not otherwise appropriated.

APPROVED June 21, 1913.

RELIEF—GEORGE B. BOARDMAN, SALARY, ETC.

§ 1. Appropriates \$2,050.

§ 2. Emergency.

(HOUSE BILL NO. 916. APPROVED JUNE 20, 1913.)

AN ACT making an appropriation for the payment of the salary and stationery and postage allowance of George B. Boardman, a member of the Forty-eighth General Assembly from the Forty-first District, seated vice Michael F. Hennebry.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of two thousand and fifty dollars (\$2,050.00) for the payment of the salary and stationery and postage account of George B.

Boardman, a member of the Forty-eighth General Assembly from the Forty-first Senatorial District, seated in the contest of George B. Boardman vs. Michael F. Hennebry, by action of the House, June 11, 1913.

§ 2. WHEREAS, The above appropriation is necessary for the transaction of the business of the State; therefore, an emergency exists, and this Act shall take effect from and after its passage.

APPROVED June 20, 1913.

RELIEF—CHERRY MINE SUFFERERS, BALANCE UNEXPENDED.

Preamble.

§ 2. How drawn.

§ 1. Appropriates \$43,025.18.

§ 3. Emergency.

(HOUSE BILL NO. 669. APPROVED JUNE 20, 1913.)

AN ACT making an appropriation to cover the unexpended balance of moneys heretofore appropriated for the relief of the suffering and destitute miners and the families and dependents of miners who lost their lives in the mine disaster at Cherry, Illinois, which lapsed and was covered back into the State treasury by the Board of Administration.

WHEREAS, The Forty-sixth General Assembly, at the special session thereof, begun and held on the 14th day of December, A. D. 1909, by an Act entitled, "An Act making an appropriation for the relief of the suffering and destitute miners at Cherry, Illinois, and the families and dependents of miners who lost their lives in the mine disaster at Cherry, Illinois," approved and in force February 18, 1910, appropriated the sum of one hundred thousand dollars (\$100,000) for the relief of the suffering and destitute miners at Cherry, Illinois, and the families and dependents of miners who lost their lives in the mine disaster at Cherry, Illinois, and made it the duty of the Board of Administration "to distribute the money herein appropriated to the persons intended to be benefited by this Act and to use said money for the benefit of the persons intended to be relieved in such manner as in its judgment will best relieve such suffering and destitute people;" and

WHEREAS, The Board of Administration immediately entered upon the discharge of its duties under said Act, and disbursed and expended a part of the moneys thereby appropriated for the relief of the persons intended to be benefited by said appropriation; and

WHEREAS, In the judgment of the Board of Administration the interests of the beneficiaries could not properly be subserved by paying out all of the one hundred thousand dollars (\$100,000) prior to September 30, 1911, but, in the judgment of the Board of Administration, the interests of said beneficiaries would be better subserved by the payment to such beneficiaries of small sums in periodical payments; and

WHEREAS, In order to prevent the unexpended balance of said appropriation lapsing on September 30, 1911, the Board of Administration, prior to September 30, 1911, upon requisition signed by said board and attested by its seal, authorized the Auditor of Public Accounts to issue

warrants and the Treasurer to pay such warrants for the unexpended balance of said appropriation, which money was placed under the immediate control of the Board of Administration; and

WHEREAS, The receipts and disbursements of the fund placed under the immediate control of the Board of Administration from October 1, 1911, to April 16, 1913, inclusive, and the cash on hand remaining unexpended at the close of the period has been as follows:

Unexpended balance of appropriation drawn from State treasury with interest accruing to and including September 30, 1911.....	\$42,292.27
Interest accruing to April 16, 1913.....	732.91

Total	\$43,025.18
Expended from October 1, 1911, to April 16, 1913, inclusive	35,199.00

Balance in hands of Board of Administration April 16, 1913 \$ 7,826.18 and

WHEREAS, Since September 30, 1911, the Board of Administration has disbursed on account of the beneficiaries the sum of \$35,199.00 in such manner as in its judgment best relieved such suffering and destitute people; and

WHEREAS, The cost of administering the funds paid out of the \$100,000 appropriation has only been \$100.00 for postage and \$30.00 for premiums on an official bond, which is approximately only fourteen hundredths of one per cent of the total amount disbursed to said beneficiaries; and

WHEREAS, On March 19, 1913, the Board of Administration asked the Attorney General of the State of Illinois for an opinion as to whether certain accrued interest on the fund taken from the State treasury and placed in the hands of the Board of Administration should be paid into the State treasury or to the beneficiaries under said Act; and

WHEREAS, On March 24, 1913, in an opinion addressed to the Board of Administration, the Attorney General held "that the unexpended part of the appropriation did lapse and that the same, together with the accrued interest, should be paid into the State treasury;" and

WHEREAS, The Attorney General suggested "should any appropriation still be necessary in order to render assistance to the beneficiaries under said Act, the matter may very properly be brought to the attention of the Legislature, which has power to act in the matter;" and

WHEREAS, Installments to the beneficiaries have heretofore been paid by the Board of Administration every two weeks, which have been principally used for food, clothing and other necessities of life, and unless remedial legislation is immediately enacted, these payments will necessarily cease; and

WHEREAS, On the 21st day of April, A. D. 1913, the Board of Administration, acting under the said opinion of the Attorney General, caused to be covered into the State treasury the sum of forty-three thousand twenty-five and 18-100 dollars (\$43,025.18), which sum includes

the amount so disbursed by the Board of Administration and the amount under the control of said Board of Administration and not disbursed, together with accrued interest thereon; and

WHEREAS, An appropriation of forty-three thousand twenty-five and 18-100 dollars would be the same amount as was covered in the State treasury on the 21st day of April, A. D. 1913, and the appropriation would not in any way increase the taxes of the people of the State of Illinois; and

WHEREAS, The money so paid out to the beneficiaries after September 30, 1911, was paid out in good faith; now therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of forty-three thousand twenty-five and 18-100 dollars (\$43,025.18) be and the same is hereby appropriated for the reimbursement of the Board of Administration for the sums so paid out by it under said appropriation Act, approved and in force February 18, 1910, balance on hand, interest accrued and so caused to be covered by it into the State treasury on the 21st day of April, A. D. 1913.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants for the sum of forty-three thousand twenty-five and 18-100 dollars (\$43,025.18), payable to said Board of Administration upon requisitions signed by said board and attested by its seal and the Treasurer is hereby authorized to pay same out of any money on hand not otherwise appropriated.

§ 3. WHEREAS, An emergency exists, therefore this Act shall be in force and effect from and after its passage.

APPROVED June 20, 1913.

RELIEF—EDWIN T. FARRAR, SALARY, ETC.

§ 1. Appropriates \$2,050.

| § 2. Emergency.

(HOUSE BILL NO. 826. APPROVED JUNE 16, 1913.)

AN ACT making an appropriation for the payment of the salary and stationery and postage allowance of Edwin T. Farrar, a member of the Forty-eighth General Assembly, from the twenty-first district, seated vice H. W. Harris.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of two thousand and fifty dollars (\$2,050.00) for the payment of the salary and stationery and postage account of Edwin T. Farrar, a member of the Forty-eighth General Assembly, from the twenty-first senatorial district, seated in the contest of Edwin T. Farrar vs. Benjamin M. Mitchell, H. W. Harris et al, by action of the house, May 1, 1913.

§ 2. WHEREAS, The above appropriation is necessary for the transaction of the business of the State; therefore, an emergency exists, and this Act shall take effect from and after its passage.

APPROVED June 16, 1913.

RELIEF—EARL D. FOUTS, INJURIES.

§ 1. Appropriates \$3,000.

| § 2. How drawn.

(HOUSE BILL NO. 303. APPROVED JUNE 26, 1913.)

AN ACT appropriating three thousand dollars for the relief of Earl D. Fouts of Centralia, Illinois, and providing for the payment of said amount out of the State treasury.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented by [in] the General Assembly:* That there be, and hereby is appropriated, for the relief of Earl D. Fouts, of Centralia, Illinois, the sum of three thousand dollars (\$3,000.00), who was seriously and permanently injured while a student at the Illinois University at Urbana, by the breaking of a defective metal brush or polisher in the foundry of said institution.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for said amount in favor of the said Earl D. Fouts, payable out of any money in the treasury not otherwise appropriated, and the State Treasurer is hereby authorized to pay such warrant out of any money in the treasury not otherwise appropriated.

APPROVED June 26, 1913.

RELIEF—BEN M. GIROUX, INJURIES OF SON.

§ 1. Appropriates \$5,000.

| § 2. How drawn.

(HOUSE BILL NO. 385. APPROVED JUNE 21, 1913.)

AN ACT making an appropriation of the sum of five thousand dollars, to reimburse Ben M. Giroux for money expended for the care and treatment of his son, Frank Robert Giroux, deceased.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of five thousand dollars is hereby appropriated and directed to be paid to Ben M. Giroux, from any funds not otherwise appropriated in the treasury of Illinois, for the reimbursement of said Ben M. Giroux, for moneys expended by him for the care and treatment of his son, Frank Robert Giroux, injured at the Institution for Feeble Minded, at the city of Lincoln, on December 23, 1907, and now deceased.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sum hereby appropriated in favor of Ben M. Giroux.

APPROVED June 21, 1913.

RELIEF—ELIZA GEST, SALARY OF WILLIAM H. GEST.

Preamble.

§ 2. How drawn.

§ 1. Appropriates \$1,287.87 to widow.

(SENATE BILL NO. 89. APPROVED APRIL 18, 1913.)

AN ACT making an appropriation to Eliza Gest, widow of William H. Gest, late circuit court judge of the Fourteenth Judicial Circuit of the State of Illinois.

WHEREAS, William H. Gest, of the city of Rock Island, Rock Island county, State of Illinois, departed this life on the ninth day of August, 1912, and at the time of his death, and for many years previous thereto, was and had been a circuit judge in the Fourteenth Judicial Circuit of this State, and

WHEREAS, The salary of said William H. Gest, as said circuit judge, has been paid by the State to the ninth day of August, 1912, the time of his decease, and

WHEREAS, Said office of judge remained vacant until the twelfth day of November, 1912, when Robert W. Olmsted was elected and qualified as the successor in office of the said William H. Gest.

NOW, THEREFORE, The following is proposed:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one thousand two hundred and eighty-seven and 87-100 dollars (\$1,287.87) be and is hereby appropriated for the payment of the salary of the late Judge William H. Gest from said ninth day of August, 1912, and until the twelfth day of November, 1912, and that the same be paid to Eliza Gest, widow of the said William H. Gest.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the said Eliza Gest for the sum hereby appropriated.

APPROVED April 18, 1913.

RELIEF—ROBERT R. JACKSON, SALARY, ETC.

§ 1. Appropriates \$2,050.

§ 2. Emergency.

(HOUSE BILL NO. 825. APPROVED JUNE 16, 1913.)

AN ACT making an appropriation for the payment of the salary and stationery and postage allowance of Robert R. Jackson, a member of the Forty-eighth General Assembly, from the Third District, seated vice Henry [Henry] M. Ashton.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of two thousand and fifty dollars (\$2,050.00) for the payment of the salary and stationery and postage account of Robert R. Jackson, a member of the Forty-eighth General Assembly, from the

Third Senatorial District, seated in the contest of Robert R. Jackson v. F. E. J. Lloyd, Henry M. Ashton et al, by action of the House, May 1, 1913.

§ 2. WHEREAS. The above appropriation is necessary for the transaction of the business of the State: therefore, an emergency exists, and this Act shall take effect from and after it [its] passage.

APPROVED June 16, 1913.

RELIEF—BERTHROL C. B. JORGENSEN, BALANCE UNEXPENDED.

§ 1. Appropriates balance unexpended under Act of 1911.

(SENATE BILL NO. 691. APPROVED JUNE 21, 1913.)

AN ACT *reappropriating the appropriation made in an Act entitled, "An Act for an appropriation for the relief of Berthrol C. B. Jorgensen," approved June 5, 1911, in force July 1, 1911.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby reappropriated to Berthrol C. B. Jorgensen so much of the sum of seven thousand five hundred dollars (\$7,500) heretofore appropriated, pursuant to the provisions of an Act entitled, "An Act for an appropriation for the relief of Berthrol C. B. Jorgensen," approved June 5, 1911, in force July 1, 1911, as shall not have been expended on or before the thirtieth day of September, A. D. 1913, payable from the State treasury in accordance with the provisions of said Act.

APPROVED June 21, 1913.

RELIEF—WALTER KAAK, INJURIES.

§ 1. Appropriates \$5,000—how drawn.

(HOUSE BILL NO. 473. APPROVED JUNE 26, 1913.)

AN ACT *making an appropriation of the sum of five thousand dollars (\$5,000.00) for the payment of damages for injuries suffered by and as compensation for the injury to Walter Kaak, to the guardian of Walter Kaak.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of five thousand dollars (\$5,000.00) be, and the same is hereby appropriated and directed to be paid from any fund not otherwise appropriated in the State treasury of the State of Illinois, for the payment of damages for injuries suffered by Walter Kaak, and as compensation for the said injury to the said Walter Kaak, which said injuries were received at the Illinois asylum for feeble-minded children, at the city of Lincoln, in the State of Illinois, on the 28th day of August, 1907.

Said sum of money shall be paid by the Treasurer of the State of Illinois, upon proper warrant, duly assigned by the Auditor of Public

Accounts of the State of Illinois, to the guardian, to the legally qualified guardian of Walter Kaak upon satisfactory proof being made that he has been regularly appointed guardian by a court of competent jurisdiction.

APPROVED June 26, 1913.

RELIEF—THOMAS O'BRIEN, INJURIES.

Preamble.

| § 1. Appropriates \$6,000—how drawn.

(HOUSE BILL NO. 6. APPROVED JUNE 26, 1913.)

AN ACT for an appropriation for the relief of Thomas O'Brien.

WHEREAS, Thomas O'Brien, while on duty as helper and general utility man in the Department of Engineering of the University of Illinois, assisting in the transportation of a concrete beam from the Mechanical Laboratory to the Testing Laboratory in the Department of Applied Mechanics in the Department of Engineering of the University of Illinois, and employed by the State of Illinois, received severe personal injuries as the result of the dangerous and unsafe condition of a certain pavement and roadway running through the grounds of, and under the control of the University of Illinois, on the 8th day of April, A. D. 1911; the injuries so received being permanent and received while in the line of duty as employee of the State; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the State Treasurer in favor of said Thomas O'Brien for the sum of six thousand dollars on the first day of July, A. D. 1913, the said sum to be paid out of any moneys in the State treasury not otherwise appropriated.

APPROVED June 26, 1913.

RELIEF—HENRY PRYOR, EDUCATION, ETC.

§ 1. Appropriates \$400 to Henry Pryor.

| § 3. Duties of Board of Administration—report.

§ 2. Appropriates \$1,600 for care, education, etc.

| § 4. How drawn.

(HOUSE BILL NO. 915. APPROVED JUNE 27, 1913.)

AN ACT for the relief of Henry Pryor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Auditor of Public Accounts be, and is hereby directed to draw his warrant on the State Treasurer in favor of Henry Pryor for the sum of four hundred dollars (\$400.00), the said sum to be paid out of any moneys in the State treasury not otherwise appropriated.

§ 2. That the further sum of sixteen hundred dollars (\$1,600.00), be, and is hereby appropriated out of any moneys in the State treasury not otherwise appropriated for the care, training, education, support and medical attention of the said Henry Pryor.

§ 3. It shall be the duty of the Board of Administration to pay said sum of sixteen hundred dollars (\$1,600.00), herein appropriated to the said Henry Pryor, for his education, care, keeping, support and medical attention, in such manner and at such times, and in such amounts as in its judgment will best serve the interests of the said Henry Pryor; the said Board of Administration shall hold said sum of money, except such payments as may be paid, as above directed for a period of five years; at the expiration of said five years the remainder of said sum in possession of the said Board of Administration shall be paid to the said Henry Pryor; the said board shall, when its duties under this Act shall have been fully discharged, make a full and detailed report to the Governor, as to the manner in which said money has been distributed.

§ 4. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the said sum of sixteen hundred dollars (\$1,600.00), payable to the said Board of Administration, upon a requisition, signed by the said board and attested by its seal, and the treasurer is authorized to pay the same out of any money on hand, not otherwise appropriated.

APPROVED June 27, 1913.

RELIEF—M. E. SPAFFORD, PROPERTY LOSS.

§ 1. Appropriates \$600.

| § 2. How drawn.

(HOUSE BILL NO. 438. APPROVED JUNE 26, 1913.)

AN ACT *appropriating six hundred dollars for the relief of M. E. Spafford, of Joliet, Illinois, and providing for the payment of said amount out of the State treasury.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and hereby is, appropriated for the relief of M. E. Spafford, of Joliet, Illinois, the sum of six hundred dollars (\$600.00), who sustained a property loss by the breaking of a defective bank of the Illinois and Michigan Canal.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the said amount in favor of said M. E. Spafford, payable out of any money in the treasury not otherwise appropriated, and the State Treasurer is hereby authorized to pay such warrant out of any money in the treasury not otherwise appropriated.

APPROVED June 26, 1913.

RELIEF—CHARLES W. SPAULDING, ADJUSTMENT OF SUITS AND CLAIMS.

§ 1. Commission empowered to settle, adjust and compromise suits and claims, etc. | § 2. Appropriates \$10,000—how drawn.

(HOUSE BILL NO. 913. APPROVED JUNE 26, 1913.)

AN ACT *in relation to the adjustment and settlement of suits and claims growing out of the failure of Charles W. Spalding, late treasurer of the University of Illinois, to account for certain moneys and securities of the said University of Illinois, and making an appropriation to carry into effect the provisions of this Act.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the commission, consisting of the Governor, Auditor of Public Accounts and State Treasurer, created by an Act, entitled "An Act to make appropriations for the University of Illinois and providing for the management of the funds of said university, and for the protecting the interests of the State in connection therewith," approved and in force June 11, 1897, and to collect from any and all persons from whom any of the funds and other securities not accounted for by Charles W. Spalding, late treasurer of the University of Illinois, may be due, to receive any bond or other securities belonging to the university or which may be turned over to the board of trustees in payment of said endowment fund, or as a part thereof, and to sell and dispose of the same, be, and the same is hereby authorized and empowered to settle, adjust, compromise and discharge all actions and suits at law or in equity, whether now pending and undetermined or in judgment, whether brought or pending in the courts of this State, or in courts of other states or of the United States, commenced, prosecuted, or defended either by or on behalf of such commission or by the University of Illinois, the trustees of the University of Illinois, the People of the State of Illinois for the use of the University of Illinois, or the People of the State of Illinois on account of the failure of the said Charles W. Spalding to account to the University of Illinois for moneys and to deliver certain securities belonging to the University of Illinois or on account of the management, custody, control, disposition or sale of any and all securities and property, both real and personal, assigned and delivered by the said Charles W. Spalding to the trustees of the University of Illinois as security for his said indebtedness.

Said commission is further authorized and empowered, in its discretion, to settle, adjust, compromise and discharge the indebtedness of the said Charles W. Spalding to the University of Illinois, and to make such disposition of the securities and other property assigned and delivered by the said Charles W. Spalding to the trustees of the University of Illinois, and now remaining in the hands of said commission, as said commission, in its discretion, may deem proper.

Said commission is further authorized and empowered to settle, adjust and compromise the claim of the said Charles W. Spalding for

an accounting against the University of Illinois, and the various persons who have, from time to time, composed said commission or who have acted as trustee, or trustees.

§ 2. That there be and hereby is appropriated the sum of ten thousand dollars (\$10,000) for the purpose of carrying into effect the provisions of this Act, and compromising the claims of the said Charles W. Spalding against the University of Illinois and the various persons who have, from time to time, been members of such commission, or have acted as trustee, or trustees.

The Auditor of Public Accounts is hereby authorized and directed to draw his warrants for the sum herein appropriated, upon the presentation of proper vouchers, certified to by a majority of the members of said commission, and the Treasurer shall pay the same out of any money not otherwise appropriated.

APPROVED June 26, 1913.

RELIEF—UNITED MINE WORKERS OF AMERICA, DISTRICT NO. 12, MONEYS
ADVANCED.

§ 1. Appropriates \$3,355.14 for moneys advanced | § 2. How drawn.
—items named.

(HOUSE BILL NO. 324. APPROVED JUNE 23, 1913.)

AN ACT to make an appropriation to reimburse the United Mine Workers of America, District Number Twelve, for moneys advanced County Miners' Examining Board of the State of Illinois.

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of three thousand three hundred and fifty-five dollars, fourteen cents (\$3,355.14) be and the same is hereby appropriated to reimburse the United Mine Workers of America, District Number Twelve, of the State of Illinois, for moneys advanced as follows:

Christian Co., \$71.00; Clinton Co., \$5.00; Grundy Co., \$277.23; Henry Co., \$204.44; Jackson Co., \$189.33; Logan Co., \$342.90; McLean Co., \$162.00; Macon Co., \$93.15; Marshall Co., \$33.58; Menard Co., \$161.38; Mercer Co., \$165.82; Peoria Co., \$272.45; Scott Co., \$59.00; Randolph Co., \$171.00; Tazewell Co., \$654.83; Washington Co., \$118.50; Woodford Co., \$247.53; Will Co., \$126.00. Total, \$3,355.14.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer, payable to the treasurer of the United Mine Workers, District Number Twelve, for the total sum herein specified upon presentation of proper receipted bills and vouchers and the State Treasurer shall pay the same out of the funds in the State treasury not otherwise appropriated.

APPROVED June 23, 1913.

SECRETARY OF STATE—DEFICIENCY TO FEBRUARY 1, 1913.

§ 1. Appropriates \$87,203.83.

§ 3. Emergency.

§ 2. How drawn—names and amounts specified.

(SENATE BILL NO. 263. APPROVED APRIL 22, 1913.)

AN ACT *making appropriations for deficiency in appropriations for the office of Secretary of State up to and including February 1st, A. D. 1913, and declaring an emergency.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of eighty-seven thousand, two hundred three and eighty-three hundredths dollars (\$87,203.83), or so much thereof as may be necessary, be and the same is hereby appropriated to cover deficiencies in the appropriations made to the office of Secretary of State up to and including February 1, A. D. 1913.

§ 2. That upon the passage of this Act the Auditor of Public Accounts shall draw his warrants on the Treasurer in favor of the persons, firms, corporations and companies named below for the amount set opposite their respective names, towit:

C. H. Hanson, auto supplies.....	\$14,189.00
Wells Fargo Co. Express, express on supplies.....	3,134.00
National Express Co., express on supplies.....	2,207.01
United States Express Co., express on supplies.....	2,252.90
American Express Co., express on supplies.....	2,519.16
Chicago & Alton R. R. Co., express on supplies.....	363.14
Underfanger Bros., drayage.....	119.35
Greenduck Co., auto supplies.....	53,001.75
Illinois Printing Co., auto supplies.....	4,228.00
C. J. Doyle, postage.....	1,255.00
Chicago-Springfield Coal Co.....	3,105.31
Oscar Ansell, supplies.....	67.21
Samuel P. Irwin, Supreme Court reports.....	762.00

Total \$87,203.83

§ 3. WHEREAS, An emergency exists, therefore this Act shall be in force from and after its passage.

APPROVED April 22, 1913.

SECRETARY OF STATE—DEFICIENCY TO JULY 1, 1913.

§ 1. Appropriates \$28,500—for certain purposes.

§ 3. Emergency.

§ 2. How drawn.

(SENATE BILL NO. 173. APPROVED MAY 3, 1913.)

AN ACT *making an appropriation to meet a deficiency in appropriations for the office of Secretary of State and to provide the necessary funds to carry on the business of the State until the first of July, 1913.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of meeting the

deficiency in the appropriation and to provide the necessary funds to carry on the business of the State until July 1, 1913, there be and is hereby appropriated to the Secretary of State the sum of \$28,500.00, to wit:

For the purchase of fuel and for repairs and other incidental expenses connected with heating and lighting the State House, and other buildings under his control..... \$ 5,000.00
 For expressage and parcel post postage, freight and drayage 15,000.00
 For postage 2,000.00
 For purchase Supreme Court reports..... 2,000.00
 For enforcing foreign corporation Act, three investigators at \$100.00 per month from April 1, to July 1, 1913, \$900.00, expenses for same \$100.00; total, \$1,000.00.

For enforcing automobile Act, four investigators at \$100.00 per month from April 1 to July 1, 1913, \$1,200.00, expenses for same \$400.00. Four clerks at \$75.00 per month from April 1 to July 1, 1913, \$900.00; total, \$2,500.00. (Not including cost of number tags and plates.)

For office expenses for which no other appropriation is available, \$1,000.00, or so much thereof as may be necessary for the said purposes aforesaid.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the moneys herein appropriated upon presentation of vouchers certified to by the Secretary of State, out of any moneys in the treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriation above recited is necessary to meet a deficiency and to provide sufficient funds to carry on the business of the State until July 1, 1913, therefore an emergency exists and this Act shall be in force and take effect from and after its passage.

APPROVED May 3, 1913.

STATE CENTENNIAL ANNIVERSARY COMMISSION.

§ 1. Appropriates \$10,000.

| § 2. How drawn.

(SENATE BILL NO. 159. APPROVED JUNE 26, 1913.)

AN ACT making an appropriation for the necessary expenses of the commission appointed to celebrate the centennial anniversary of the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury, not otherwise appropriated, for the purpose of defraying the necessary expenses of the commission appointed under joint resolution of the General Assembly, to celebrate the centennial anniversary of the State of Illinois.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants from time to time for the sum specified

upon the presentation of proper vouchers, certified to by the chairman and secretary of the said commission, and approved by the Governor, and the treasurer shall pay the same out of the money hereby appropriated.

APPROVED June 26, 1913.

STATE GOVERNMENT—ORDINARY AND CONTINGENT.

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| <p>§ 1. Appropriates for ordinary and contingent expenses as follows:</p> <ol style="list-style-type: none"> 1. GOVERNOR—Contingent fund, \$5,000 per annum. 2. Secretaries, clerks, stenographers, messenger and janitor, \$12,000 per annum. 3. Department and institution auditor, assistant and expenses, \$6,700 per annum. 4. Postage, expressage, expenses, etc., \$8,000 per annum. 5. Executive mansion: Incidentals, \$15,000 per annum; repairs, etc., \$16,000.
Executive offices: Repairs, etc., \$3,000.
State suit, appeal to U. S. Supreme Court, \$5,000.
Illinois Central Railroad investigation: Balance unexpended, \$49,905.90. 6. LIEUTENANT GOVERNOR—Clerical hire and incidentals, \$3,400 per annum. 7. SECRETARY OF STATE—Clerks, stenographers, janitors, police, porters, messengers, other employees, postage, expressage and incidentals, \$137,980 per annum. 8. Fuel, repairs and incidentals for buildings, \$14,000 per annum. 9. Supreme Court reports, \$6,000 per annum. 10. Flags, \$200. 11. State library: Books, salaries, and incidentals, \$9,700 per annum; shelving and furniture, \$1,000. 12. Copying laws, etc., \$300; expressage and postage thereon, \$2,000 per annum.
General Assembly: Telephone tolls, \$1,500. 13. Automobile supplies, \$95,000 per annum. 14. Automobile department, Chicago: Deputy, employees, rent, etc., \$6,150 per annum.
Electric elevators, \$15,000 and book typewriter and adding machine, \$1,000. 15. House and Senate lavatories and closets, \$15,000; blue book, \$2,000. | <ol style="list-style-type: none"> 16. STATE CONTRACTS—Printing paper and stationery, \$140,000. 17. Printing, \$150,000; binding, \$55,000; salary of secretary, \$300 per annum. 18. AUDITOR—Clerks, stenographers, messengers, janitors, examiners, other employees, postage, expressage, incidentals, rents, etc., \$137,650 per annum; fixtures, etc., \$2,700. 19. Conveying juvenile offenders to State schools, \$23,000 per annum. 20. Conveying convicts to and from penitentiaries, \$20,000 per annum. 21. Conveying offenders to and from reformatory, \$10,000 per annum. 22. Fugitives from justice, \$20,000 per annum and \$2,000. 23. State suits, \$500 per annum. 24. BOARD OF EQUALIZATION—Expenses, \$10,000 per annum. 25. AUDITOR—Interest on school fund, \$57,000 per annum. 26. Transfer of insane, \$1,000 per annum. 27. Distributable school fund, \$3,000,000 per annum. 28. ATTORNEY GENERAL—Assistants, clerks, stenographers, reporter, other employees, incidentals, investigations, suits, etc., \$98,100 per annum.
Illinois Central Railroad case: Special counsel, experts, clerks, etc., \$100,000 and reappropriation of balance unexpended.
Submerged and made lands: Special work, expenses, etc., \$27,500 and balance unexpended.
Inheritance tax office, Chicago: Assistants, clerks, reporters, stenographers, investigations, incidentals, fixtures, etc., \$3,240 and \$42,250 per annum.
Inheritance tax outside Cook county, investigators and expenses, \$10,000 per annum; disbarment costs, etc., \$2,000 per annum. 29. STATE TREASURER—Assistant, clerks, guards, incidentals, collection of inheritance tax, fiscal secretary, premium on bonds, fixtures, etc., \$2,000 and \$70,100 per annum. |
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STATE GOVERNMENT—ORDINARY AND CONTINGENT—*Continued.*

30. Amount necessary to refund taxes collected in error, etc.
31. SUPERINTENDENT OF PUBLIC INSTRUCTION—Assistants, clerks, stenographers, janitor, incidental and office expenses, examinations, publications, etc., \$1,600 and \$30,900 per annum.
32. ADJUTANT GENERAL—Clerks and other employees in office, memorial hall, arsenal and Camp Lincoln and incidentals, \$12,140 per annum.
33. CHARITIES COMMISSION—Employees, incidentals, expenses, books, State conferences, inspections, etc. \$11,850 per annum.
34. SUPREME COURT—Books, reports, repairs, employees, and miscellaneous expenses, \$32,360 per annum.
35. CLERK OF SUPREME COURT—Janitor and messenger, \$1,000 per annum; costs in State suit, \$3,350.
36. APPELLATE COURT, FIRST DISTRICT—Rent, books, reports, furniture, incidentals and employees, \$6,695 and \$26,520 per annum.
37. APPELLATE COURT, SECOND DISTRICT—Incidentals, books, repairs, and employees, \$1,380 and \$5,700 per annum.
38. APPELLATE COURT, THIRD DISTRICT—Stationery, postage and incidentals, \$1,000 per annum.
39. APPELLATE COURT, FOURTH DISTRICT—Stationery, fuel, light, postage, incidentals, etc., \$1,500 per annum; law books and librarian, \$1,400 per annum; painting, etc., \$400.
40. APPELLATE COURTS—Janitors and stenographers, \$5,700 per annum.
41. RAILROAD AND WAREHOUSE COMMISSION—Employees, incidentals, books, investigations, suits, publications, maps, etc., \$40,360 per annum.
Grain Inspection Department—Chicago district: Chief Inspector, assistant, employees, rent, furniture, incidentals, miscellaneous items, deficiency, etc., \$8,017.60 and \$178,530 per annum.
East St. Louis district: Employees and incidentals, \$17,940 per annum.
Joliet district: Deputy inspector, \$900 per annum.
Kankakee district: Deputy inspector, \$1,200 per annum.
Decatur district: Deputy inspector and helper, \$2,520 per annum.
42. MUSEUM OF NATURAL HISTORY—Employees, general expenses, books, specimens, cases, etc., \$2,000 and \$4,300 per annum.
43. COMMISSIONERS OF LABOR STATISTICS—Employees, special agents, incidental and other expenses, \$9,740 per annum.
44. MINING BOARD—Per diem, expenses employees and incidentals, \$12,700 per annum.
45. MINE INSPECTORS—Actual expenses, \$12,000 per annum.
MINERS' EXAMINING BOARD—Traveling expenses, \$3,600 per annum.
46. FREE EMPLOYMENT OFFICES—Employees, rent and general expenses, \$200 and \$24,635 per annum.
47. GENERAL ASSEMBLY, 49TH—Committee expenses, \$4,000.
48. LIVE STOCK COMMISSIONERS—Employees, agents, inspectors, expenses, damages, etc., \$25,000 and \$30,140 per annum.
Veterinary examiners: Per diem and expenses, \$800 per annum.
Biological laboratory: Buildings, equipment, hogs, supplies, etc., \$72,000; salaries, \$6,400 per annum.
49. INSURANCE SUPERINTENDENT—Actuary, clerks, other employees, examinations, miscellaneous expenses, legal services, printing, etc., \$73,525 per annum; office equipment, \$1,450.
50. LINCOLN HOMESTEAD—Custodian, repairs, heat and light, and incidentals, \$2,450 per annum.
51. LINCOLN MONUMENT—Custodian, fuel, and incidentals, \$3,250 per annum; repairs, \$500.
52. HISTORICAL LIBRARY—Care, books, printing, employees, meetings, copying, "Lincoln Way" expenses, etc., \$6,000 and \$20,100 per annum.
53. LIBRARY EXTENSION COMMISSION—Organizer, employees, extra help, expenses, books, postage and incidentals, \$1,700 and \$3,570 per annum.
54. SUPREME COURT REPORTER—Printing, expenses, custodian and messenger, \$1,920 per annum.
55. FACTORY INSPECTOR—Rent, light, employees, office and contingent expenses, etc., \$10,000 and \$33,160 per annum.
56. BOARD OF ARBITRATION—Vetoed.
57. BOARD OF PARDONS—Incidentals and stenographer, \$2,200 per annum.
58. NATURAL HISTORY LABORATORY—Survey, bulletins and reports, \$10,000 per annum.
59. STATE ENTOMOLOGIST—General expenses, San Jose scale, etc., \$21,000 per annum; chinch bugs, \$5,000.

STATE GOVERNMENT—ORDINARY AND CONTINGENT—*Continued.*

60. BOARD OF HEALTH—Secretary, sanitary inspector, meetings, investigations, employees, etc., \$29,440 per annum.
Prevention of diseases, sanitary investigations, inspection of lodging houses, employees, rent, etc., \$17,920 per annum; incidentals and special services, \$1,475.
Anti-diphtheric serum, treatment of rabies, typhoid vaccine, prevention of blindness, etc., \$41,000 per annum; serum deficiency, \$3,594.25.
Examinations, clerical services, expenses, printing and binding, incidentals, attorney, bacteriologist, etc., \$30,780 per annum.
61. FOOD COMMISSIONER—Miscellaneous expenses, employees, rent and incidentals, \$50,300 per annum.
62. HIGHWAY COMMISSION—Engineers and assistants, stenographers, clerks, experimental work, statistics, etc., \$100,000 per annum.
63. CIVIL SERVICE COMMISSION—Secretary and chief examiner, employees, supplies, expenses, investigations, rent, etc., \$36,440 per annum; deficiency, \$500.
64. BOARD OF PRISON INDUSTRIES—Employees, expenses and incidentals, \$4,200 per annum.
65. GEOLOGICAL COMMISSION—Support and extension, survey of overflowed land, study of coal mining industry, maps, reports, etc., \$7,500 and \$34,500 per annum.
66. UNIVERSITY OF ILLINOIS—Interest on endowment funds, \$65,000.
67. RIVERS AND LAKES COMMISSION—Secretary, employees, expenses, surveys, maps, prosecutions, rent, etc., \$30,200 per annum; deficiency, \$4,000.
68. COMMISSION TO INVESTIGATE STATE DEPARTMENTS—Expenses \$40,000.
69. ILLINOIS PARK COMMISSION—Starved Rock Park: Maintenance repairs, land, improvements, expenses, superintendent, labor, etc., \$52,700 and \$2,000 per annum. Shabonna Park Monument: Repairs and improvements of ground \$2,000.
70. GAME AND FISH CONSERVATION COMMISSION—Salaries of commissioners, wardens, deputies, employees, expenses, maintenance of game farm, fish propagation, etc., \$180,600 per annum; launches, \$12,500.
71. BOARD OF ADMINISTRATION—Employees, per diem, clerk hire, expenses, etc., \$33,680 per annum. Adult blind: Visitation and instruction, \$10,000.
Visitation of children in family homes: State agent, employees and expenses, \$9,400 per annum.
72. GRAND ARMY HALL AND MEMORIAL ASSOCIATION—Purposes enumerated, \$3,500 per annum.
73. EXAMINERS OF ARCHITECTS—Per diem, salaries, rent, expenses, incidentals, etc., \$6,700 per annum; deficiency, \$500.
74. DENTAL EXAMINERS—Salaries, rent, per diem, expenses, printing, incidentals, etc., \$7,025 per annum.
75. INSPECTOR OF PRIVATE EMPLOYMENT AGENCIES—Employees, \$3,220 per annum; rent and general expenses, \$1,500.
76. BARBERS' EXAMINERS—SALARIES, employees, expenses, rent, incidentals, etc., \$9,810 per annum.
77. INSPECTOR OF APIARIES—Salaries, \$2,000 per annum.
78. BOARD OF PHARMACY—Employees, per diem, expenses, rent, etc., \$2,800 and \$15,300 per annum.
79. FIRE MARSHAL—Employees, extra salary to acting fire marshal, expenses, fees, etc., \$1,300 and \$71,280 per annum—payable out of special funds.
80. NURSE EXAMINERS—Meetings and examinations, expenses, employees, rent, incidentals, etc., \$5,130 per annum.
81. MINE RESCUE STATION COMMISSION—Equipment and maintenance, expenses, incidentals, employees, etc., \$35,000 per annum.
82. STALLION REGISTRATION BOARD—Employees, per diem, expenses, incidentals, etc., \$1,500 and \$10,480 per annum.
83. Wm. Schofield, \$75; Edna Little, \$250.
84. PRINTER EXPERT—Employees, office expenses and extra help; \$6,540 per annum.
85. FORT MASSAC TRUSTEES—Custodian, improvements and expenses, \$3,100 per annum; extension of walls, \$1,500.
86. BOARD OF AGRICULTURE—Secretary, employees, exhibit at State Fair, expenses, statistics, incidentals, maintenance and repairs of State Fair grounds, etc., \$32,000 per annum; covered walks, \$10,000.
87. FARMERS' INSTITUTE—Incidentals, employees, per diem, expenses, meetings, speakers, etc., county farmers' institutes, etc., \$15,300 and \$16,900 per annum—sworn statement covering county institute—no compensation to officers.
88. EDUCATIONAL COMMISSION—Continuation of work, \$10,000.

STATE GOVERNMENT—ORDINARY AND CONTINGENT—*Concluded.*

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| <p>89. STATE WATER SURVEY—Director, employees, expenses, incidentals, supplies, etc., \$21,500 per annum.</p> <p>90. INDUSTRIAL BOARD—Employees, arbitration and medical fees, expenses, rent, office supplies, incidentals, etc., \$27,800 per annum.</p> <p>91. HORTICULTURAL SOCIETY—Advancing interests, \$5,000 per annum—proviso.</p> <p>92. PUBLIC UTILITIES COMMISSION—\$60,000 per annum.</p> <p>93. LEGISLATIVE REFERENCE BUREAU—Employees and expenses, \$25,000.</p> <p>94. TAX COMMISSION—Vetoed.</p> | <p>95. PUBLIC UTILITIES INVESTIGATION COMMITTEE—To persons named, \$13,272.64.
MINERS' AND MECHANICS' INSTITUTE—In accordance with Act of 1911, \$15,000 per annum.</p> <p>96. HOME FINDING SOCIETIES INVESTIGATION COMMITTEE—The sum of \$7,000.
Witness fees and expenses: To persons named, \$164.</p> <p>97. OLD AGE PENSION INVESTIGATION COMMISSION—Vetoed.</p> <p>§ 2. How drawn—certification of pay rolls—traveling expenses and other bills—refusal of warrants.</p> <p>§ 3. Veto of items not to affect other items.</p> |
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(HOUSE BILL NO. 895. APPROVED JUNE 30, 1913.)

AN ACT to provide for the ordinary and contingent expenses of the State Government until the expiration of the fiscal quarter after the adjournment of the next regular session of the General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, be, and are hereby, appropriated to meet the ordinary and contingent expenses of the State government, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

First—A sum not to exceed \$5,000 per annum shall be subject to the order of the Governor for the purpose of defraying such public expenses of the State government as are unforeseen by the General Assembly, and not otherwise provided for by law.

Second—To the Governor, the sum of \$12,000 per annum for secretaries to the Governor, for the performance of such official duties of the Governor as may be required of them, and for the executive clerk, index and general clerk, stenographer, assistant stenographer, messenger and janitor; payable monthly, as hereinafter named.

Third—To the Governor, the sum of \$4,000 per annum for department and institution auditor; for his assistant, \$1,200 per annum; and for his traveling and necessary expenses, the sum of \$1,500 per annum.

Fourth—To the Governor, the further sum not to exceed \$8,000 per annum for postage, expressage, telegraphing, telephoning, traveling expenses, proportionate expense of Governor's conference, and other expenses connected with the Governor's office, payable as hereinafter named.

Fifth—To the Governor, for the care of the Executive Mansion and grounds, and for heating, lighting, expenses of public receptions, wages and sustenance of employees, stable expense and other incidental expenses of the Executive Mansion, the sum of \$15,000 per annum. For repairs, improvements, and refurnishing at the Executive Mansion and improvement of grounds, \$16,000.00.

To the Governor for repairing, refurbishing, recarpeting and redecorating the executive offices, the sum of \$3,000. The sum of five thousand dollars, or so much thereof as may be required, for defraying all of the costs and expenses of presenting and prosecuting to final judgment an appeal of the case of People of Illinois ex rel, Charles S. Deneen and William H. Stead *versus* Economy Light and Power Company from the Supreme Court of the State of Illinois to the Supreme Court of the United States, and such appeal in such action is hereby authorized to be taken, by Edward F. Dunne and P. J. Lucey, in behalf of the People of Illinois. Reappropriating to the Governor for the purpose of carrying out the provisions of an Act entitled, "An Act making an appropriation to the Governor to be used in the investigation and examination of books, records, reports and accounts of the Illinois Central Railroad Co.," approved March 19, 1907, in force March 19, 1907, the unexpended balance of the \$100,000, amounting to \$49,905.90, in the State treasury of Illinois for the purposes specified in said Act and to be expended and paid in accordance with the provisions of said Act.

Sixth—To the Lieutenant Governor, for clerical hire, and for postage, telegraphing, stationery and all other incidental expenses, the sum of \$3,400 per annum.

Seventh—To the Secretary of State, for clerk hire in his office, the following sums: For chief clerk, \$3,600 per annum; for one assistant chief clerk, \$3,000 per annum; for one chief corporation clerk, \$2,400 per annum; for one corporation clerk, \$1,800 per annum; for one corporation clerk, \$1,500 per annum; for one corporation clerk, \$1,500 per annum; for one executive clerk, \$2,100 per annum; for one assistant executive clerk, \$1,200 per annum; for one index clerk, \$2,100 per annum; for one assistant index clerk, \$1,800 per annum; for one assistant index clerk, \$1,200 per annum; for one assistant index and vault clerk, \$1,000 per annum, for one anti-trust clerk, \$2,100 per annum; for one assistant anti-trust clerk, \$1,800 per annum; for one assistant anti-trust clerk, \$1,200 per annum; for one anti-trust clerk, \$1,100 per annum; for one anti-trust clerk, \$1,100 per annum; for three clerks, \$900 each per annum, \$2,700 per annum; for one shipping clerk, \$2,100 per annum; for one shipping clerk, \$1,800 per annum; for one shipping clerk, \$1,500 per annum; for one shipping clerk, \$1,320 per annum; for extra clerical services, \$1,500 per annum; for one private secretary and stenographer, \$2,100 per annum; for one automobile clerk, \$2,100 per annum; one assistant automobile clerk, \$1,500 per annum; two assistant automobile clerks, \$1,320 per annum each, \$2,640 per annum; two clerks, \$1,000 each per annum, \$2,000 per annum; two stenographers at \$1,200 each per annum, \$2,400 per annum; two stenographers, \$840 each per annum, \$1,680 per annum; one messenger, \$900 per annum; three automobile investigators, \$1,200 each per annum, \$3,600 per annum; traveling expenses for investigators, \$1,800 per annum; extra help in automobile department during busy season, the sum of \$2,500 per annum; for one supply clerk, \$2,100 per annum; for one assistant supply clerk, \$1,800 per annum; one messenger for supply department, \$900 per annum; for seven stenographers and typewriters, \$1,200 each per

annum, \$8,400 per annum; for one bookkeeper, \$2,000 per annum; for three porters and messengers, \$900 each per annum, \$2,700 per annum; for one superintendent of Capitol building and grounds, \$2,500 per annum; for one assistant superintendent of Capitol building and grounds, \$1,800 per annum; for two carpenters, \$1,000 each per annum, \$2,000 per annum; for 6 policemen, \$800 each per annum, \$4,800 per annum; for four elevator conductors, \$900 each per annum, \$3,600 per annum; for ten janitors, \$800 each per annum, \$8,000 per annum; for one janitress, \$800 per annum; for one flagman, \$800 per annum; for one chief engineer, \$1,800 per annum; for two assistant engineers, \$1,320 each per annum, \$2,640 per annum; for nine firemen, \$900 each per annum, \$8,100 per annum; for one weigher, \$1,000 per annum; for one chief electrician, \$1,600 per annum; for three assistant electricians, \$1,200 each per annum, \$3,600 per annum; for one janitor and helper in lighting plant, \$900 per annum; payable upon monthly pay-rolls certified to by the Secretary of State; for expenses in connection with the corporation department, the sum of \$1,500 per annum; to the Secretary of State, for postage, expressage, telegraphing and other incidental expenses of his office, \$5,000 per annum; and for the payment of all other necessary incidental expenses incurred by the Secretary of State in the care and custody of the State House and grounds and other State property, and in repairs and improvements of same, and for the performance of such other duties as may be imposed upon him by law, and for which no other appropriation has been made, the sum of \$5,000 per annum.

Eighth—To the Secretary of State, for the purchase of fuel and for repairs and other incidental expenses connected with heating the State House and other buildings under his control, the sum of \$12,000 per annum; for repairing the State House heating and lighting plants and other buildings under charge of the Secretary of State, \$1,000 per annum; for incidental expenses connected with operating the State electric lighting plant, \$1,000 per annum.

Ninth—To the Secretary of State, such sums as may be necessary to enable him to purchase such volumes of the reports of the decisions of the Supreme Court as he is or may be, by law, required to purchase, the sum of \$6,000 per annum.

Tenth—To the Secretary of State, for the purchase of flags for the dome of the capitol building for two years, the sum of \$200.

Eleventh—To the Secretary of State, for the State library, for the purchase of books and periodicals, the sum of \$2,000 per annum; for postage, \$200 per annum; library tools, etc., \$200 per annum; shelving and furniture, \$1,000; payable upon bills of particulars certified to by the Board of Commissioners of the State Library. To the Secretary of State, for salary of assistant librarian, \$1,300 per annum; for second assistant librarian, \$1,200 per annum; for third assistant librarian, \$1,100 per annum; for fourth assistant librarian, \$1,000 per annum; for fifth assistant librarian, \$900 per annum; for sixth assistant librarian, \$900 per annum; for janitor State Library, \$900 per annum.

Twelfth—To the Secretary of State, for copying the laws, journals and joint resolutions of the General Assembly, as provided by law, \$300, and for expressage and postage on same, \$2,000 per annum; for telephone tolls for members of the General Assembly, the sum of \$1,500.

Thirteenth—To the Secretary of State, for the purchase of automobile supplies, consisting of number tags, certificates of registration, aluminum tags, chauffeur licenses, plate numbers, badges, discs, etc., the sum of \$75,000 per annum. No part of which is to be used for the payment of salaries. And to the Secretary of State, the sum of \$20,000 per annum, or so much thereof as may be necessary for freight, drayage, postage, expressage and parcel post postage, for the delivering, mailing and shipment of automobile supplies, plates, badges, printed matter, etc., in connection with the automobile department, no part of which shall be used for the payment of salaries.

Fourteenth—To the Secretary of State, for deputy in charge of Chicago office, automobile department, who shall be a notary public and administer oath to applicants for chauffeur licenses without charging any notary fee, \$2,250 per annum; for stenographer and clerk, Chicago office, \$1,000 per annum; for examiner of chauffeurs, \$1,500 per annum; for office rent, \$1,200 per annum; light and telephone, \$200 per annum; purchase of book typewriter and adding machine, \$1,000. To the Secretary of State, for the purpose of installing three modern electric elevators in the State House, the work to be let by contract to the lowest and best bidder, the sum of \$15,000, or so much thereof as may be necessary.

Fifteenth—To Secretary of State, for expense of printing Blue Book, \$2,000; to the Secretary of State, for the improvements of lavatories and closets connected with the Senate Chamber and hall of the House of Representatives; also ladies' toilet on second floor of the State House, the sum of \$15,000, or so much thereof as may be necessary.

Sixteenth—To the Board of Commissioners of State Contracts, for the purchase on contract, as required by law, and other necessary expenses connected therewith, of printing paper and stationery for the use of the General Assembly and the executive departments, the sum of \$140,000.

Seventeenth—To the Board of Commissioners of State Contracts, for public printing, the sum of \$150,000, or so much thereof as may be required; for public binding, the sum of \$55,000, or so much thereof as may be necessary; the public printing and binding to be paid according to contract; for salary of secretary to the board, \$300 per annum.

Eighteenth—To the Auditor of Public Accounts, for necessary clerk hire in his office, the following sums: For chief clerk, \$5,000 per annum; for warrant clerk, \$3,000 per annum; first assistant warrant clerk, \$2,000 per annum; for four assistant warrant clerks, \$1,800 per annum, \$7,200 per annum; journal clerk, \$1,600 per annum; for book-keeper, \$1,800 per annum; for revenue clerk, \$1,800 per annum; for land clerk, \$1,800 per annum; for file and index clerk, \$1,500 per annum; for two stenographers, \$1,200 per annum each, \$2,400 per annum; for one messenger clerk, \$900 per annum; for one janitor, \$800 per annum; for additional clerk hire, \$3,200 per annum; also for postage, express

charges, telegraphing and other incidental expenses, \$5,000 per annum. Also for paying the necessary examiners and clerks in the building and loan department of the Auditor's office, the following sums: One assistant chief clerk in banking and loan department, \$3,000 per annum; for one building and loan clerk, \$2,500 per annum; for one building and loan clerk, \$2,250 per annum; for one examiner, \$3,000 per annum; for one examiner, \$2,300 per annum; for one examiner, \$2,400 per annum; for one examiner, \$2,000 per annum; for one examiner, \$1,800 per annum; for necessary railroad fare and other traveling expenses of building and loan examiners, \$4,000 per annum. For amount to pay for services and expenses of examiners for making examinations of books and accounts of the various departments of the State as required by sections three and four of "An Act in relation to the payment of public money of the State into the State treasury," the sum of \$10,000 per annum; also for paying the necessary examiners and clerical services incidental to the banking department of Auditor's office, the following sums: For two examiners of State banks in the city of Chicago and Cook county, \$5,000 each per annum, \$10,000 per annum; for two assistant examiners in Chicago, \$3,600 each per annum, \$7,200 per annum; for two assistant examiners, \$2,500 each per annum, \$5,000 per annum; for two stenographers for the bank examiner's office in the city of Chicago, \$2,400 per annum; for four examiners for examination of State banks outside of Chicago, each \$4,000 per annum, \$16,000 per annum; for chief clerk in charge of banking department, \$5,000 per annum; for one clerk in banking department, \$1,500 per annum; for two stenographers, \$1,200 each per annum, \$2,400 per annum; for one clerk and messenger, \$900 per annum; for extra clerk hire and extra examiners, \$5,000 per annum; for amount necessary to pay the traveling expenses of bank examiners and other necessary expenses of the department, \$7,500 per annum. For expenses in the levying, collecting, completing and keeping an account of the interest and principal on registered bonds, the sum of \$2,000 per annum. For rent of Chicago office, \$1,500 per annum; for furniture, carpets and file cases for same, \$1,000, for changing fixtures in office and additional furniture, \$1,700.

Nineteenth—To the Auditor of Public Accounts, a sum not to exceed \$8,000 per annum, or so much thereof as may be necessary, for the conveying of female offenders to the State Training School for Girls, and also the sum of \$15,000 per annum, or so much thereof as may be necessary, for conveying of delinquent boys to the St. Charles School for Boys, such payments in each case to be ascertained and paid in the same manner as required by law for the conveying of prisoners to the penitentiary.

Twentieth—To the Auditor of Public Accounts, a sum not exceeding \$20,000 per annum, or so much thereof as may be necessary, for conveying convicts to the penitentiary, and from and to the penitentiary in cases of new trials, or when used as witnesses in cases, to be paid by the Auditor in the manner now provided by law: *Provided*, that when more than one person is convicted at the same term of court and is

committed to the penitentiary, the sheriff shall take all of said persons so convicted at one trip, and the Auditor of Public Accounts shall refuse payment to any sheriff who shall fail to comply with this provision.

Twenty-first—To the Auditor of Public Accounts, the sum of \$10,000 per annum, or so much thereof as may be necessary, for conveying offenders to the State Reformatory at Pontiac, and from and to the reformatory in cases of new trial, or when used as witnesses in cases, to be paid by the Auditor in the manner now provided by law, to be ascertained and paid in the same manner as in cases of conveying prisoners to and from the penitentiary: *Provided*, that when more than one person is convicted at the same term of court, and is committed to the reformatory, the sheriff shall take all of said persons so convicted at one trip, and the Auditor of Public Accounts shall refuse payment to any sheriff who shall fail to comply with this provision.

Twenty-second—To the Auditor of Public Accounts, for the payment of the expenses provided by law for the apprehension and delivery of fugitives from justice, \$20,000 per annum; or so much thereof as may be necessary, to be paid on the evidence required by law, certified to and approved by the Governor, and the sum of \$2,000 for rewards for arrests of fugitives from justice, to be paid on bills of particulars having the approval of the Governor indorsed thereon.

Twenty-third—To the Auditor of Public Accounts, a sum not exceeding \$500 per annum, or so much thereof as may be necessary, for costs and expenses of State suits.

Twenty-fourth—To the State Board of Equalization, for paying expenses, a sum not exceeding \$10,000 per annum, payable in the manner provided by law:

Twenty-fifth—To the Auditor of Public Accounts, the sum of fifty-seven thousand dollars (\$57,000) per annum, or so much as may be necessary, to pay the interest on school fund, distributed annually in pursuance of law, said amount to be payable from the State Revenue Fund.

Twenty-sixth—To the Auditor of Public Accounts, for the payment of the expenses of the transfer of any insane person or persons to the Illinois Asylum for Insane Criminals, either from any other of the State institutions or upon the order or mittimus of any of the several State courts, the sum of one thousand dollars (\$1,000) per annum, or so much thereof as may be necessary.

Twenty-seventh—To the Auditor of Public Accounts, the sum of \$3,000,000 annually, out of the State School Fund, to pay the amount of the Auditor's orders for the distribution of said fund to the several counties; and for the payment of the salary and expenses of county superintendents of schools as now provided by law. The Auditor shall issue his warrants to the State Treasurer on the proper evidence that the amount distributed has been paid to the county superintendents.

Twenty-eighth—To the Attorney General, for the regular and ordinary work of his office, the following: One chief assistant, \$7,500 per

annum; one assistant Attorney General, \$5,000 per annum; two assistants at \$4,500 each per annum, \$9,000 per annum; two assistants at \$3,500 each per annum, \$7,000 per annum; one assistant, \$3,000 per annum; one assistant, \$2,500 per annum; one brief maker, \$3,000 per annum; one inheritance tax assistant, \$2,400 per annum; one law clerk, \$2,000 per annum; one docket and filing clerk, \$1,500 per annum; one private secretary and stenographer, \$1,800 per annum; one court reporter, \$1,800 per annum; three stenographers at \$1,200 each per annum, \$3,600 per annum; two stenographers, \$1,200 each per annum, \$2,400 per annum; one messenger and index clerk, \$1,200 per annum; one telephone operator, \$600 per annum; one janitor, \$800 per annum; for telegraphing, telephoning, expressage, postage, office supplies, and traveling expenses of Attorney General and the regular employees of the office, \$8,000 per annum; for court costs in U. S. courts, expenses conducting investigations, preparation and trial of suits and appeals, employment of special assistants, brief writers and extra help, and for incidental expenses, \$35,000 per annum, \$70,000.

To the Attorney General, for the purpose of employing special counsel, traffic experts, accountants, stenographers, clerks, and other necessary assistance in the case of the State of Illinois v. Illinois Central Railroad Company, pending in the circuit court of LaSalle county, and for the purpose of defraying the costs and expenses of an accounting in said case, and for the preparation, hearing and completion of said case, the sum of \$100,000; and in addition to said sum of \$100,000, there is hereby reappropriated for said purpose the balance of the appropriation made to the Attorney General by the Forty-seventh General Assembly, to employ special counsel, experts, accountants and assistants to carry on the case of the State of Illinois v. Illinois Central Railroad Company, now pending in the circuit court of LaSalle county, and for other special work, collection of evidence and expenses in connection with the investigation by the committee of the General Assembly authorized to be appointed by joint resolution of Feb. 24, 1909; for the purpose of investigating the rights of the State of Illinois in submerged and made lands in connection with the navigable waters of the State of Illinois, remaining in the treasury on the first day of July, 1913.

To the Attorney General, for special work, collection of evidence and expenses and other necessary assistance in the matter of investigation and litigation relative to submerged and made lands in connection with the navigable waters of the State of Illinois, the sum of \$27,500.

To the Attorney General, for the expense, work and maintenance of the Inheritance Tax Office: In counties of the third class, one assistant Attorney General in charge of inheritance tax office, \$5,000 per annum; two other assistants, \$4,000 per annum each; one other assistant, \$3,500 per annum; one clerk, \$1,800 per annum; one assistant clerk, \$1,200 per annum; two court reporters, at \$1,500 each per annum, \$3,000 per annum; three stenographers at \$1,200 each per annum, \$3,600 per annum; one telephone operator, \$600 per annum; for special investigations, \$8,000

per annum; for office rent, \$4,400 per annum; for electric light, \$300 per annum; for telephones, \$350 per annum; for telephone deficiency, \$240; to purchase desks and office furniture and fixtures, \$1,000; for stationery, postage, maps, certificates, incidental supplies and incidental expenses, \$2,500 per annum.

For employment of assistant investigators and expenses collecting inheritance tax outside of Cook county, \$10,000 per annum; to pay cost and expense in disbarment proceedings, \$2,000 per annum. For new Chicago office, for rugs, \$610; for furniture, \$1,390.

Twenty-ninth—To the State Treasurer, for assistant State Treasurer, \$6,000 per annum; for chief clerk, \$4,000 per annum; for cashier, \$3,000 per annum; one assistant cashier and clerk, \$1,800 per annum; for book-keeper and clerk, \$1,800 per annum; for record clerk, \$1,500 per annum; for stenographer and clerk, \$1,500 per annum; for stenographer and clerk, \$1,200 per annum; for messenger and clerk, \$1,200 per annum; for nine (9) guards, \$8,100 per annum; for office expenses, postage, express, etc., \$4,000 per annum; for expenses collecting inheritance tax, \$25,000 per annum; for fiscal secretary *in re* investing and collecting public funds and the interest thereon, \$2,500 per annum; for paying premium on employees' bonds, \$1,000 per annum; for furniture and adding machines, \$2,000; expense of handling collateral, \$3,500 per annum for employment of attorney in re-investing and collecting public funds and the interest thereon, \$4,000 per annum.

Thirtieth—To the State Treasurer, such sums as may be necessary to refund the taxes on real estate sold or paid on error and for over-payment of collectors' accounts under laws governing such cases, to be paid out of proper funds.

Thirty-first—To the Superintendent of Public Instruction, the following sums are hereby appropriated: For three assistants, the sum of \$2,800 each per annum, \$8,400 per annum; one supervisor of high schools, \$4,000 per annum; for one clerk, \$2,000 per annum; for two statistical clerks, \$2,000 each per annum, \$4,000 per annum; for one stenographer, \$1,200 per annum; for one stenographer, \$1,200 per annum; for one stenographer, \$900 per annum; for one messenger and mailing clerk, \$1,100 per annum; for one janitor, \$600 per annum; for postage, expressage, telegraphing, expense of State examinations, and all other necessary expenses of his office, a sum not exceeding \$6,000 per annum; for conducting the medical and State teachers' examination, \$1,500 per annum; for medical examinations from July 1, 1912, to July 1, 1913, \$600.

To the Superintendent of Public Instruction, to enable him to complete and publish the work of the Educational Commission, \$1,000.

Thirty-second—To the Adjutant General, for clerk hire in his office, the following sums: For chief clerk, \$2,400 per annum; for record clerk, \$2,000 per annum; also the sum of \$1,700 per annum for postage, telegraphing, repairs and other incidental expenses connected with memorial hall and office; also for custodian of memorial hall, \$1,300 per annum; for stenographer, \$1,200 per annum; for custodian of arsenal,

\$1,200 per annum; for ordnance sergeant at arsenal, \$720 per annum; for custodian at Camp Lincoln, \$720 per annum; one messenger, \$900 per annum.

Thirty-third—To the State Charities Commission, for salary of assistant secretary and stenographer, \$1,200 per annum; for inspector of institutions, \$1,200 per annum; for stenographer, \$900 per annum; for messenger, \$800 per annum; for office and incidental expenses of the commission, including postage, expressage, office supplies, etc., and the necessary expenses of the commissioners and employees while engaged in the discharge of their duties of visitation and inspection within the United States, as required by law, \$5,000 per annum, or so much thereof as may be necessary.

For the purchase of books for the library and to secure, when advisable and possible, copies of plans and specifications of modern jails and almshouses, that they may be kept on file for the guidance and instruction of counties planning new jails or almshouses, \$500 per annum.

For the Illinois State Conference of Charities, holding annual sessions, securing speakers, and incidental expenses, \$750 per annum; for the expenses of the boards of auxiliary visitors in making inspection, as provided by law, \$1,500 per annum, a sum not exceeding \$5.00 in amount to be paid therefrom to each member of said board upon his filing a certificate of the expense incurred in making such inspection.

Thirty-fourth—To the Supreme Court, for the purpose of buying additional books for the Supreme Court library, binding books in the library which need to be rebound, the purchase of continuations and renewals of the different reports, encyclopædias, reporters, law magazines and current text-books, \$5,000 per annum; for the expenses of the Supreme Court, stationery, repairs, maintenance of building, printing, furnishing, expressage, telephoning and telegraphing, \$10,000 per annum; for the salary of the librarian of the Supreme Court, \$2,400 per annum; for assistant librarian, \$1,200 per annum; for court stenographic work, \$1,200 per annum; for salary of custodian, \$1,000 per annum; for salary of stenographer and court reporter, \$1,500 per annum; for the salary of the head janitor, \$1,000 per annum; and for three janitors, \$840 each per annum, \$2,520 per annum; messenger, \$840 per annum; matron, \$840 per annum; two elevator conductors, \$840 each per annum, \$1,680 per annum; two watchmen, \$840 each per annum, \$1,680 per annum; one engineer and electrician, \$1,500 per annum.

Thirty-fifth—To the clerk of the Supreme Court, one janitor and who shall act as messenger for court, \$1,000 per annum; To J. McCan Davis, Clerk of the Supreme Court, in payment of costs incurred in the case of the People of the State of Illinois ex rel. Charles S. Deneen, Governor, and William H. Stead, Attorney General, v. Economy Light and Power Company, thirty-three hundred and fifty dollars (\$3,350).

Thirty-sixth—To the Appellate Court of the First District, for rent and for no other purpose, \$14,220 per annum; rent deficiency, \$5,945; for the purchase of law books and reports, \$1,500 per annum; for

furniture and carpets, \$750; for incidental expenses, \$1,000 per annum for each court, \$4,000 per annum; for stenographer's salary, \$1,500 per annum for each court, \$6,000 per annum; said stenographers to be appointed by, and their duties to be prescribed by, the clerk and judges of the respective courts; for librarian's salary (both courts), \$800 per annum.

Thirty-seventh—To the Second District, appellate court, for stationery, fuel, light, postage, expressage, furniture and other expenses deemed necessary by the court, \$2,500 per annum; for law books, \$600 per annum; for rebinding law books, \$500 per annum; for librarian, \$600 per annum; for one stenographer, \$1,500 per annum; for painting court room, hall, conference room, and clerk's office, \$105; painting building, \$800; repairs on ceiling, \$475.

Thirty-eighth—To the Third District, appellate court, for stationery, postage, expressage, furniture and other expenses deemed necessary by the court, \$1,000 per annum, the sums to be paid on bills of particulars certified to by the clerk of said court.

Thirty-ninth—To the Fourth District, appellate court, the sum of \$1,500 per annum for stationery, fuel, light, postage, expressage, repairs, furniture and other expenses deemed necessary by the court; for law books, \$800 per annum; for librarian, \$600 per annum; painting, papering, etc., \$400.

Fortieth—Also the sum of \$900 each per annum, \$2,700 per annum, to the Second, Third and Fourth districts of the appellate court for the pay of janitors, to be appointed by the clerks of the respective courts, and to perform such duties as shall be determined by the judges and clerks of the respective courts, to be paid on the order of at least two of the judges of each district; for one stenographer for each of the Third and Fourth districts of the appellate court, \$1,500 each per annum, \$3,000 per annum; such stenographers to be appointed and their duties to be prescribed by the clerks of the several appellate courts, respectively; such salaries to be paid monthly on pay-rolls duly certified to the respective clerks and approved by at least two of the judges of said courts, respectively.

Forty-first—To the Railroad and Warehouse Commission, the following amounts and for the following purposes:

1. For the salary of assistant secretary and statistician, \$3,000 per annum.
2. For the salary of an engineer when employed by the commission, \$5,000 per annum; an assistant engineer, \$2,000 per annum.
3. For the salary of expert rate clerk, \$3,000 per annum.
4. For incidental expenses of their office, including care, furnishing, stationery, books, postage, telegraphing, telephoning, and any other necessary expenditures of said commission, \$5,000 per annum or such part thereof as may be necessary for such purpose.
5. For necessary periodicals, books, etc., for library indexing and care of same, \$500 per annum; for salary of statistical clerk, \$1,560 per annum.

6. For expense incurred in investigation in connection with the rates, management or operation, etc., of any common carrier, \$1,500 per annum, or such part thereof as may be necessary for such purpose.

7. For expense incurred in any suits commenced by authority of the State, or necessary legal services rendered by order of the commission, \$1,800 per annum, or such part thereof as may be necessary for such purpose.

8. For the necessary expenses of the commissioners, secretary or other regular employee or appointee of said commission, \$4,500 per annum, or such part thereof as may be necessary for such purpose.

9. For mailing, expressing and publishing of schedules of reasonable maximum rate of charges for the transportation of passengers and freight, made or revised for all of the railroads of the State as provided by law, \$1,000 per annum, or such part thereof as may be necessary for such purpose.

10. For the mailing, publication and distribution of schedule of reasonable maximum express rates and charges for the transportation by express, made or revised for all of the express companies within this State, as provided by law, and for the necessary investigation of the facts to determine such reasonable schedule of rates, and for the preparation of blanks, rules and regulations therefor, and the necessary expert help in relation thereto, \$1,500 per annum, or such part thereof as may be necessary for such purpose.

11. [Omitted.]

12. For printing, mailing, expressing and publication of railroad maps of Illinois for general distribution, \$2,000 per annum, or such part thereof as may be necessary for such purpose.

13. For the salary of official reporter, \$1,200 per annum.

14. For the salary of stenographer, file and index clerk, \$1,200 per annum.

15. For salary stenographer, engineering department, \$1,200 per annum.

16. For salary stenographer, rate and statistical department, \$1,200 per annum.

17. For the salary of clerk and stenographer, Chicago, \$1,200 per annum.

18. For the salary of stenographer and secretary to the chairman of the commission, \$1,200 per annum.

19. For salary of janitor and messenger, \$800 per annum.

For State Grain Inspection Department, Chicago district: One chief inspector, \$6,000 per annum; one assistant chief inspector, \$2,500 per annum; one chief clerk, \$2,250 per annum; one cashier, \$2,000 per annum; one shipping clerk, \$1,800 per annum; one clerk, \$2,000 per annum; two clerks, \$1,800 each per annum, \$3,600 per annum; three clerks, \$1,500 each per annum, \$4,500 per annum; nine clerks, \$1,350 each per annum, \$12,150 per annum; four clerks, \$1,200 each per annum, \$4,800 per annum; one clerk, \$1,080 per annum; one supervising inspector, \$2,750 per annum; one supervising inspector, \$2,400 per annum; two messengers, \$1,800 each per annum, \$3,600 per annum; fourteen deputy inspectors, \$1,800 each per annum. \$25,200 per annum;

one stenographer and secretary to the chief inspector, \$1,200 per annum; one stenographer, \$1,200 per annum; one deputy inspector, \$1,500 per annum; four deputy inspectors, \$1,350 each per annum, \$5,400 per annum; twenty-five samplers, \$1,200 each per annum, \$30,000 per annum; twenty-three helpers, \$1,080 each per annum, \$24,840 per annum; registration division, one registrar, \$2,500 per annum; one chief clerk, \$2,000 per annum; one clerk, \$1,500 per annum; two clerks, \$1,200 each per annum, \$2,400 per annum; three members of appeals committee, \$1,200 each per annum, \$3,600 per annum; one 'phone operator in grain department, \$720 per annum; one janitor, \$840 per annum.

Expenses of Chicago office: Rent and light, \$9,000 per annum; for bags, \$1,250 per annum; for furniture and files, \$1,000; for storage, \$360; miscellaneous expense, \$1,000 per annum; for purchase of automobile, \$3,000; for printing and lithographing, \$3,000 per annum; for telephone service, \$1,200 per annum; for oil, \$400 per annum; water and ice, \$300 per annum; trucks, \$150 per annum; surety bonds, \$350 per annum; grain tryers, \$200 per annum; testers, \$100 per annum; ladders, \$100 per annum; car fare, \$300 per annum; delivery, drayage and express, \$3,000 per annum; postage, \$150 per annum; extra help, \$1,500 per annum; moisture testing machine, \$500; expense of moisture testing machine, \$600 per annum; car demurrage, \$100 per annum; towels, \$100 per annum; telegraph, \$100 per annum; pencils, pens and ink, \$150 per annum; rubber stamps, \$75 per annum; typewriter supplies, \$100; stationery, \$200 per annum; advertising, \$100 per annum; brooms, dusters, mops, etc., \$100 per annum; inspection pans, \$50 per annum; steel bars, \$50 per annum; expense of moving, \$800; twine, \$75 per annum; carpenter work, \$1,000; repairs, \$300 per annum; Grain Dealers' Association, \$200 per annum. Also hereby appropriated for the use of the Chicago district of the grain inspection department to pay balance of clerk hire for the month of June, 1913, the sum of \$552.59, and the sum of \$705.01 to pay balance of salaries of deputy inspectors for the month of June, 1913.

East St. Louis district: One deputy chief inspector, \$2,400 per annum; one registrar, \$1,800 per annum; one clerk, \$1,500 per annum; one supervising inspector, \$1,800 per annum; four assistant inspectors, \$1,500 each per annum, \$6,000 per annum; three helpers, \$1,080 per annum each, \$3,240 per annum; for incidental expenses of East St. Louis office, \$1,200 per annum. Joliet district, one deputy grain inspector, \$900 per annum; Kankakee district, one deputy grain inspector, \$1,200 per annum; Decatur district, one deputy grain inspector, \$1,800 per annum; one grain helper, \$720 per annum.

Forty-second—To the trustees of the Illinois State Museum of Natural History, for salary of an assistant curator, \$1,200 per annum; for janitor and messenger, \$1,000 per annum; for general expenses of museum, including expert services, traveling and other necessary expenses of the curator, \$2,000; for books and specimens, \$1,000 per annum; for purchase and repair of cases, \$500 per annum; cataloguers and carpenters and stenographers, \$600 per annum.

Forty-third—To the Commissioners of Labor Statistics, for one statistician, \$1,560 per annum; one clerk, \$1,560 per annum; one stenographer, \$1,020 per annum; for one messenger and janitor, \$800 per annum; for two special agents for three months, each \$375 per annum, \$750 per annum; for traveling expenses for two special agents, \$300 each, per annum, \$600 per annum; for additional stenographic and clerical hire, \$100 per annum; traveling expenses for Commissioners of Labor, \$600 per annum; for traveling expenses, secretary of Board of Labor Statistics, \$400 per annum; for postage and expressage, \$1,800 per annum; for telephone, \$250 per annum; for telegraph, \$100 per annum; for incidental expenses, \$200 per annum.

Forty-fourth—To the State Mining Board: For expenses per diem and traveling expenses, five members of the State Mining Board, \$5,000 per annum; for one stenographer and bookkeeper, \$1,200 per annum; one statistician, \$1,800 per annum; one clerk, \$1,500 per annum; for oil and powder testing, \$1,000 per annum; for postage and express, \$1,500 per annum; for telegrams and telephones, \$300 per annum; for incidental expenses, \$400 per annum.

Forty-fifth—To the State Mine Inspectors, for actual expenses incurred in the discharge of their duties, as provided by law, the sum of \$12,000 per annum, or as much thereof as may be necessary, of which sum not to exceed \$1,000 per annum shall be paid to any one inspector.

To the State Mine [Miners'] Examining Board: For traveling expenses, \$3,600 per annum.

Forty-sixth—To the Illinois Free Employment Office, located in Chicago, the following sums: To the South Side office, for salary of male clerk, \$1,000 per annum; for salary of female clerk, \$720 per annum; for salary of stenographer, \$900 per annum; for salary of janitor, \$600 per annum; for rent and general expenses, \$2,300 per annum.

To the West Side office, for salary of clerk, \$1,000 per annum; for stenographer, \$900 per annum; for janitor, \$600 per annum; for rent and general expenses, \$1,800 per annum.

To the North Side office, for salary of clerk, \$1,000 per annum; for stenographer, \$900 per annum; for janitor, \$600 per annum; for rent and general expenses, \$2,250 per annum.

To the Peoria office, for salary of stenographer, \$720 per annum; janitress, \$360 per annum; for rent and general expenses, \$1,425 per annum.

To the Springfield office, for rent and general expenses, \$1,000 per annum; for stenographer, \$720 per annum; for janitor, \$600 per annum.

To the East St. Louis office, for salary of stenographer, \$720 per annum; for janitor, \$600 per annum; for rent and general expenses, \$1,800 per annum.

To the Rockford office, for furnishing office, the sum of \$200; for rent, \$600 per annum; for janitor, \$400 per annum; for incidental expenses, the sum of \$400 per annum; for stenographer, \$720 per annum.

Forty-seventh—The sum of \$4,000, or so much thereof as may be necessary, to pay the expenses of the committees of the Forty-ninth General Assembly.

Forty-eighth—To the State Board of Live Stock Commissioners, the following sums are hereby appropriated: For salary of secretary, \$2,000 per annum; for salary of assistant secretary, who shall be a stenographer and typewriter, \$1,500 per annum; for stenographer, \$1,200 per annum; for salary of shipping clerk messenger, \$840 per annum; for telegraphing, postage, expressage and other incidental office expenses, \$2,000 per annum; for salary of chief inspector at Union Stock Yards, Chicago, \$2,000 per annum; for salary of clerk, Union Stock Yards, Chicago, \$1,800 per annum; for salaries of seven agents at Union Stock Yards, Chicago, including horse hire, \$11,900 per annum; for salary of chief inspector, National Stock Yards, \$1,500 per annum; for salaries of one agent at National Stock Yards, \$1,200 per annum, and one at Peoria, \$1,200 per annum; to pay the traveling and incidental expenses of the commissioners and secretary, \$3,000 per annum; for paying damages for animals diseased or exposed to contagion, slaughtered, for per diem and traveling expenses of State and Assistant State Veterinarians and special agents, for property necessarily destroyed or disinfection of premises, when such disinfection is practicable, under any law of this State for the suppression and prevention of the spread of contagious and infectious diseases among domestic animals, the sum of \$25,000, or so much thereof as may be necessary.

For Board of Veterinary Examiners, \$500 per annum for per diem and the sum of \$300 per annum for traveling and incidental expenses.

For the erection, improvement and equipment of buildings for the Biological Laboratory, \$12,000; for the purchase of hogs necessary for producing serum, including labor, feed and all other laboratory work and necessary supplies, \$60,000; for salaries of bacteriologist and assistant, \$6,400 per annum.

Forty-ninth—To the Insurance Superintendent: For actuary, per annum, \$4,000; for assistant actuary, per annum, \$2,400; for chief clerk, per annum, \$3,000; for assistant chief clerk, per annum, \$2,400; for messenger, per annum, \$900; for janitor, per annum, \$800; one cashier and bookkeeper, per annum, \$2,200; one securities clerk, \$2,200 per annum; five valuation clerks, actuary's department, each at \$1,500 per annum, \$7,500 per annum; one abstract clerk and assistant examiner, \$2,200 per annum; one policy examiner and stenographer, per annum, \$1,500; one certificate clerk, per annum, \$1,500; one certificate clerk, per annum, \$1,200; one certificate clerk, per annum, \$1,200; two stenographers at \$1,200 each per annum, \$2,400 per annum; one index clerk, per annum, \$1,500; one chief examiner, \$3,500 per annum; two assistant examiners, \$2,500 each per annum, \$5,000 per annum; additional office help, \$1,000 per annum; office expenses, \$8,000 per annum; for all examinations and investigations such amount for expenses incurred and services of assistants employed as shall be collected from the companies or associations examined, not to exceed \$10,000 per annum. For expenses in attending the National Convention of In-

insurance Commissioners, per annum, \$125; for expenses in the prosecutions of violations of the insurance laws, per annum, \$3,000; for legal services, per annum, \$4,000; for printing and distributing reports of the Farmers Mutual Insurance Companies, per annum, \$1,000, or so much thereof as may be necessary; for printing reports of examinations, \$1,000 per annum; for office equipment, \$1,450.

Fiftieth—To the trustees of Lincoln Homestead, for the salary of the custodian, the sum of \$1,500 per annum; for repairs and improvements, \$300 per annum; for heating and lighting, \$350 per annum; for incidental expenses, \$300 per annum; to be expended by said trustees as provided in the Act of 1887, creating said trust.

Fifty-first—To the trustees of Lincoln Monument, for salary of custodian, \$1,500 per annum; for fuel, care of grounds and other incidental expenses, \$1,750 per annum; for repairs, \$500.

Fifty-second—To the Illinois State Historical Library, for care, maintenance, purchase of books and manuscripts, the sum of \$5,000 per annum; for editing, printing and publishing historical documents, \$4,000 per annum; for salary of assistant librarian, \$1,300 per annum; for salary of janitor and messenger, \$900 per annum; for stenographer, \$900 per annum; for expenses of Illinois State Historical Society, the holding of annual meeting, publication of quarterly journal, etc., the sum of \$2,500 per annum, and for expenses of copying manuscripts in possession of county and township authorities, the sum of \$5,000; for procuring and preserving documents, papers, and materials and publications relating to the Northwest and the State of Illinois, the sum of \$5,500 per annum; for expenses in connection with "Lincoln Way," \$1,000. All to be expended under the direction of the trustees of the Illinois State Historical Library.

Fifty-third—To the Library Extension Commission, for organizer, \$1,200 per annum; for assistant librarian, \$900 per annum; for stenographer, \$720 per annum; for extra help, \$150 per annum; for traveling expenses, \$600 per annum; for the purchase of books, postage, incidental expenses, \$1,700.

Fifty-fourth—To the Supreme Court Reporter, for the expenses of printing in advance the opinions of the Supreme Court, and of distributing printed proof thereof to the several members of the court and also to the Attorney General, in such cases as the State may be interested in, together with the expenses of transmitting such proofs and the original opinions by mail and express, and to make printers' corrections in said proofs after final adoption, the sum of \$1,200 per annum, payable upon bills of particulars certified to by at least two judges of said court; for custodian and messenger, \$720 per annum, payable upon bills of particulars duly certified by the reporter.

Fifty-fifth—To the State Factory Inspector, for rent and light, \$5,000 per annum; for chief clerk, \$1,200 per annum; for two female investigators, \$1,000 each per annum, \$2,000 per annum; to defray traveling expenses of inspector and deputy inspectors, pursuant to law, \$16,000 per annum; for one stenographer, \$1,200 per annum; for two stenographers and typewriters (to act as clerks when necessary), \$1,000 each

per annum, \$2,000 per annum; for telephone, telegraph, express charges, postage, contingent expense, printing and office supplies, \$10,000; for two issuing clerks, \$900 each per annum, \$1,800 per annum; for one chemist, \$1,500 per annum; for one stenographer, \$900 per annum; for one messenger, \$900 per annum; for one telephone operator, \$660 per annum.

Fifty-sixth—[Vetoed].

Fifty-seventh—To the Board of Pardons, for postage, telegraphing, expressage and other incidental expenses, \$1,000 per annum; for salary of stenographer, \$1,200 per annum.

Fifty-eighth—To the State Laboratory of Natural History, for the expenses of the natural history survey, the sum of \$8,000 per annum; for the publication of bulletins and reports, \$2,000 per annum.

Fifty-ninth—To the State Entomologist, for general expenses, \$16,000 per annum; to prevent spread of San Jose scale and other dangerous insects and contagious diseases of fruits, the sum of \$5,000 per annum; for the prevention and destruction of chinch bugs, \$5,000.

Sixtieth—To the State Board of Health, for salary of secretary, the sum of \$3,600 per annum; for salary of sanitary inspector, \$1,800 per annum; for necessary office expenses, including expenses incurred in attending meetings of the board, for making sanitary investigations, and for the purpose of investigating the cause and preventing the spread of such contagious and infectious diseases as consumption, typhoid fever, diphtheria, scarlet fever, influenza and malarial fevers, the sum of \$5,500 per annum: *Provided*, that no part of the sum in this paragraph to be expended for legal services; for expenses of laboratory for the investigation of disease, \$4,400 per annum; for chief clerk, [\$]2,400 per annum; for one clerk, \$1,200 per annum; for two clerks, \$1,000 each per annum, \$2,000 per annum; for stenographer and clerk, \$1,200 per annum; for registrar of vital statistics, \$1,500 per annum; for janitor and messenger, the sum of \$840 per annum; farm and dairy investigation, \$5,000 per annum.

Also the sum of \$8,000 per annum, to be used only with the consent and concurrence of the Governor, on the recommendation and advice of the board, in case of an outbreak or threatened outbreak of any epidemic or malignant disease such as smallpox, yellow fever, Asiatic cholera and typhus fever, to defray the expenses of preventing the introduction of such diseases, or their spread from place to place within the State; to suppress outbreaks which may occur, and to investigate methods of their prevention; also for special investigation, when required by the sanitary necessities of the State. For the necessary expenses, incurred in the supervision and inspection of lodging houses, boarding houses, taverns, inns, rooming houses and hotels, in cities of one hundred thousand or more inhabitants, the following: Salary of chief inspector, \$2,000 per annum; for stenographer and clerk, \$1,200 per annum; for five assistant inspectors, \$1,200 each per annum, \$6,000 per annum; for office rent, \$720 per annum; for postage, \$150; for car fare for assistant inspectors and traveling expenses chief inspector, \$150; for stationery and printing, \$200; for telegraph, telephones and tolls, \$275; for light, repairs

to office furniture, expressage, miscellaneous expenses, \$200. The sum of \$300 to Amos Sawyer, for services as acting secretary to State Board of Health, from April 1 to July 1, 1913, this sum to be paid in addition to his salary as chief clerk. The sum of two hundred dollars to Elin Berg, for extra services performed.

Also the sum of \$29,000 per annum for the free distribution of anti-diphtheric serum throughout the State as a preventive against the spread of diphtheria; \$10,000 per annum of this sum, or such part thereof as may be necessary, to be expended in cities of 100,000 or more inhabitants; also the sum of \$3,000 per annum for the free treatment and sustenance of poor persons, certified as such by an overseer of the poor or other officers in charge of the dispensation of public charity in the several counties of the State, and certified by a licensed physician to have been bitten or otherwise wounded by rabid animals and put in danger of infection from rabies (hydrophobia). This sum to be expended according to the provisions of "An Act to provide for the treatment of poor persons afflicted with the disease called rabies," approved May 12, 1905. Distribution of typhoid vac[c]ine, \$6,000 per annum; serum distribution deficiency, \$3,594.25; for prevention blindness of children, \$3,000 per annum.

To the State Board of Health, also the sum of \$16,500 per annum, or as much thereof as may be necessary, for expenses of examination, investigation of colleges and State Board examinations, office and traveling expenses for members of the board, postage, clerical services, printing and binding, license certificates, fees returned, translations, incidental expenses, per diem of members of board, rating papers, special investigations, association dues, expenses in attending association meetings and meetings called on account of the enforcement of the medical practice and embalmers' Act: *Provided*, that no part of this sum to be expended for legal services. For one stenographer, \$1,000 per annum, \$2,000; for three stenographers, \$900 each per annum, \$5,400; for one stenographer (part time), \$300 per annum, \$600; for one clerk, \$1,600 per annum, \$3,200; for one clerk, \$1,500 per annum, \$3,000; for one clerk, \$1,080 per annum, \$2,160; for one messenger, \$900 per annum, \$1,800; for one bacteriologist, \$1,800 per annum, \$3,600; for attorney for the Board of Health, \$2,500 per annum; for law clerk, \$900 per annum.

Sixty-first—To the State Food Commissioner, for expenses seven State Analysts, \$4,200 per annum; for expenses of 12 inspectors, \$12,000 per annum; for expenses of laboratory and office, \$3,000 per annum; for rent of offices and laboratory, \$5,000 per annum; for postage, \$2,000 per annum; for expenses of State Food Commission, \$4,000 per annum; for express, telegraph, telephone and office expense, \$2,500 per annum; for expenses of attorney, \$500 per annum; for expenses of Food Standard Commission, \$1,500 per annum; for six stock food inspectors, \$1,200 each per annum, \$7,200 per annum; expenses for six stock food inspectors, \$3,600 per annum; two chemists, \$1,200 each per annum, \$2,400 per annum; expenses for chemists, \$1,200 per annum, \$2,400 per annum.

Sixty-second—To the State Highway Commission, for one State engineer, \$4,000 per annum; for one road engineer, \$2,520 per annum; for one bridge engineer, \$2,400 per annum; three assistant engineers, \$2,000 each per annum, \$6,000 per annum; two assistant engineers, \$1,800 each per annum, \$3,600 per annum; three assistant engineers, \$1,500 each per annum, \$4,500 per annum; one assistant engineer, \$1,680 per annum; two stenographers, \$1,000 each per annum, \$2,000 per annum; two stenographers, \$900 each per annum, \$1,800 per annum; two office assistants, \$600 each per annum, \$1,200 per annum; one messenger, \$800 per annum; experimental road work, preparation of plans and estimates, collection of highway statistics, and all other experiments that may be necessary for the work of the State Highway Commission, \$69,500 per annum.

Sixty-third—To the State Civil Service Commission, for salary of secretary and chief examiner, \$3,500 per annum; for salary of one assistant examiner, \$1,860 per annum; one assistant examiner, \$1,500 per annum; one stenographer, \$1,100 per annum; one stenographer, \$1,020 per annum; one stenographer, \$1,200 per annum; one stenographer, \$1,020 per annum; one stenographer, \$930 per annum; one stenographer (Chicago), \$1,020 per annum; one bookkeeper, \$1,200 per annum; one clerk, \$1,200 per annum; one messenger, \$840 per annum; for stationery, printing and supplies, \$1,900 per annum; for examination expenses, \$3,800 per annum; for advertising expenses, \$2,150 per annum; for traveling expenses, \$3,300 per annum; postage, telegraph, telephone and express, \$2,500 per annum; investigation of changes, \$1,100 per annum; efficiency investigation, \$5,000 per annum; rent, Chicago office, \$300 per annum; deficiency up to June 30, 1913, \$500.

Sixty-fourth—To the Board of Prison Industries, for salary of the clerk to the president, \$1,800 per annum; for an assistant clerk and stenographer, \$900 per annum; for traveling and other expenses of the members, \$500 per annum; for express, postage and other miscellaneous expenses of office, \$1,000 per annum.

Sixty-fifth—To the State Geological Commission, for the support of and extension of the Geological Survey of the State, the sum of \$25,000 per annum.

For making a survey of overflowed lands in Illinois, the sum of \$7,500.

For study of the coal mining industry, accidents and wastes, in coöperation with U. S. Bureau of Mines and the University of Illinois, the sum of \$4,500 annually. (Preliminary arrangements already made.)

For preparing and engraving illustrations and maps and for binding and printing special reports of the survey, all printing contracts to be approved by the printer expert, the sum of \$5,000 per annum.

Sixty-sixth—To the University of Illinois, for the payment of interest on the endowment funds of said University as provided by section 2 of the Act relating to said University, approved June 11, 1897, for the years 1913 and 1914, the sum of \$65,000, or so much thereof as may be necessary under the terms of said Act.

Sixty-seventh—To the Rivers and Lakes Commission: For one secretary, \$3,600 per annum; one stenographer, \$600 per annum; one stenographer, \$1,200 per annum; one junior engineer, \$1,200 per annum; one hydrographic aide, \$1,400 per annum; extra help when needed, \$1,600 per annum; traveling expenses, etc., \$2,000 per annum; special survey authorized, \$5,000 per annum; progressive survey, rivers and lakes, \$5,000 per annum; steam [stream] gauging, \$2,000 per annum; maps and illustrations, etc., \$3,000 per annum; prosecutions, \$1,800 per annum; deficiency appropriation, \$4,000; for rent, \$1,800 per annum.

Sixty-eighth—For the expenses of the commission appointed under provisions of Senate Joint Resolution Number 22, the sum of forty thousand dollars (\$40,000).

Sixty-ninth—To the Illinois Park Commission, for maintenance and repairs of Starved Rock Park, the sum of \$1,500 per annum; for additional land, the sum of \$45,000; for toilets and sewer systems, the sum of \$5,000; for drainage system, \$1,500; for labor and police (1912), \$200; for traveling expenses, etc., of the commission, the sum of \$500 per annum; for salary of superintendent up to May 31, 1913, \$1,000; for maintenance of repairs and improvements of ground around monument erected by the State in Shabonna Park, Freedom Township, LaSalle county, Illinois, the sum of \$2,000.

Seventieth—To the Game and Fish Conservation Commission, one commissioner, \$5,000 per annum; two commissioners, \$2,500 each per annum, \$5,000 per annum; six wardens at \$1,500 each per annum, \$9,000 per annum; sixty deputy wardens at \$1,200 each per annum, \$72,000 per annum; sixty extra deputy wardens, for two months, \$12,000; two stenographers, at \$900 each per annum, \$1,800 per annum; chief clerk, \$1,800 per annum; one clerk, \$1,200 per annum; one messenger, \$800 per annum; traveling expenses, \$30,000 per annum; office expense, printing, etc., \$15,000 per annum; fish propagation and protection, \$15,000 per annum; for support and maintenance of State Game Farm, \$12,000 per annum; purchase of launches, fifteen at \$500 each, \$7,500; maintenance of launches, \$5,000.

Seventy-first—To the Board of Administration: For chief clerk, \$2,500 per annum; for statistician, \$2,100 per annum; for general bookkeeper, \$1,800 per annum; for one male clerk, \$1,800 per annum; one storekeeper and assistant bookkeeper, \$1,800 per annum; one male clerk, \$1,800 per annum; two male stenographers and clerks, \$1,200 each per annum, \$2,400 per annum; two female stenographers, \$1,000 each per annum, \$2,000 per annum; one female stenographer, at \$1,200 per annum; one filing clerk, \$1,200 per annum; per diem of two reimbursing agents, \$1,565 each per annum, \$3,130 per annum; one messenger, \$900 per annum; one secretary of the Cherry Relief Commission, \$300 per annum; clerk hire tabulating bids and work in office, \$1,750 per annum.

To the Board of Administration: For traveling, office and all other expenses of the board and its employees, \$14,000 per annum.

To the Board of Administration: For salaries and expenses of visitation and instruction of adult blind, \$10,000; for expenses of the department of visitation of children placed in family homes, for two home visitors, \$1,200 each per annum, \$2,400 per annum; for one home visitor, \$1,000 per annum; for one stenographer and office assistant, \$1,000 per annum; for traveling expenses for State agent and home visitors, \$4,000 per annum; for office expense and all other expenses of State agent and his employees, \$1,000 per annum.

Seventy-second—To the Grand Army Hall and Memorial Association of Illinois: For the payment of salary of two custodians, the sum of \$1,000 each per annum, \$2,000 per annum; for furniture and repairs, the sum of \$500 per annum; that the sum of two thousand dollars (\$2,000) be appropriated for the Grand Army of the Republic, of the Department of Illinois, for the purpose of paying for the printing and publishing bills and other contingent expenses of a similar nature incurred by said organization for the purpose of keeping a permanent record of the soldiers and sailors of the Civil War; that of the aforesaid sum appropriated, the sum of one thousand dollars (\$1,000) shall be available annually for the purposes above named.

Seventy-third—To the Illinois State Board of Examiners of Architects: For the per diem and expenses of four members, \$2,000 per annum; for the salary of secretary-treasurer, \$1,800 per annum; for salary of stenographer, \$900 per annum; for office rent, \$1,100 per annum; for examination fees withdrawn, \$60 per annum; for traveling expenses of secretary-treasurer, \$100 per annum; for printing and stationery, \$150 per annum; for biennial report and mailing same, \$150 per annum; for postage, \$100 per annum; for advertising examinations, \$60 per annum; for miscellaneous expenses, \$280 per annum; deficiency for 1912-1913, \$500.

Seventy-fourth—To the State Board of Dental Examiners: For secretary's salary, \$100 per month, \$1,200 per annum; for secretary's office rent, \$75 per month, \$900 per year; salary of stenographer, \$75 per month, \$900 per annum; members, per diem, \$2,000 per annum; members, expenses, \$1,250 per annum; postage, \$200 per annum; printing, including licenses and certificates, \$200 per annum; contingent fund, \$150 per annum; telephone, \$125 per annum; monitors, \$100 per annum: *Provided*, that the total expenditures shall not exceed the amount collected and paid into the treasury of the State by the department.

Seventy-fifth—To the Chief Inspector of Private Employment Agencies and the Commissioners of Labor: For superintendence and enforcing the law in relation to licensed employment agencies: for salary of one male clerk, \$1,000 per annum; for salary of one woman investigator of employment agencies conducted by women, \$1,200 per annum; for stenographer, \$900 per annum; for janitor, \$120 per annum; for rent of office, traveling expenses, telephone, postage, telegraph, expressage, and all other general expenses, \$1,500, or so much thereof as may be necessary.

Seventy-sixth—To the Barbers' State Board of Examiners: Salaries for three board members, \$3,600 per annum; for salary of one stenographer, \$1,000 per annum; for salary of one clerk, \$1,000 per annum; expenses accounts for three members making inspections and holding examinations throughout this State, \$1,750 per annum; office rent in Chicago, \$1,000 per annum; rent of examination rooms for holding examinations throughout the State, \$200 per annum; telephone service, \$200 per annum; gas and electric light, \$100 per annum; printing and office supplies, \$250 per annum; postage for mailing 10,000 renewals annually, license certificates, office correspondence, etc., \$500 per annum; incidentals, \$150 per annum; secretary's bond, \$60 per annum.

Seventy-seventh—For salaries of State inspector of apiaries and assistants, the sum of \$2,000 per annum.

Seventy-eighth—To the State Board of Pharmacy: For the salary of one bookkeeper, \$1,800 per annum; for one inspector, \$1,800 per annum; for per diem of members of board, \$4,500 per annum; for expenses of members of board, officers and agents, \$3,000 per annum; for one clerk, \$1,200 per annum; for one stenographer, \$1,200 per annum; for one janitor, \$300 per annum; office expenses, \$2,000; for emergency, for expenses members of board, officers and agents, for months of May and June, 1913, \$300; for per diem members of board for months of May and June, 1913, \$500; for rental Chicago office, light and janitor service therefor, \$1,500 per annum.

Seventy-ninth—To the State Fire Marshal: For one chief deputy, \$2,000 per annum; six deputies, \$1,500 each, \$9,000 per annum; eighteen deputies, \$1,200 each, \$21,600 per annum; three stenographers, \$1,200 each, \$3,600 per annum; one stenographer, \$900 per annum; one janitor, \$180 per annum; one statistician, \$1,000 per annum; to F. R. Morgaridge, difference in salary as acting Fire Marshal from June 1, 1912, to June 1, 1913, \$1,300.

For traveling expenses of State Fire Marshal, assistant fire marshal, deputies, special attorneys, stenographers and other employees of the office, twenty-four thousand dollars (\$24,000) per annum.

For office rent, expense to clerks and other officers for reporting fires, telegraphing, telephoning, freight, expressage, postage, the purchase of furniture, typewriters, office supplies, printing and necessary printing paper, engraving and necessary paper, and the payment of other incidental expenses for the maintenance of the office, \$6,000 per annum.

For stenographers' fees, transcribing court records and other work incident to investigations, inquiries, hearings and prosecutions, \$3,000 per annum.

The above moneys appropriated for the above and foregoing shall be paid by the State Treasurer only out of the special funds paid into the State treasury in accordance with the provisions of section 12 of an Act entitled, "An Act creating the office of State Fire Marshal, prescribing his duties, and providing for his compensation and for the maintenance of his office," approved June 15, 1909, in force July 1, 1909.

Eightieth—To the State Board of Examiners of Registered Nurses: Compensation fees for meetings and holding of examinations, \$1,000 per annum; traveling expenses of board members in attendance upon meetings and examinations, \$250 per annum; salary of secretary, \$1,400 per annum; traveling expenses of secretary or other members of the board while acting as inspector, visiting schools for nurses throughout the State, \$400 per annum; office rent, \$480 per annum; printing, \$200 per annum; for stenographer, \$900 per annum; incidental expenses and traveling expenses, \$500 per annum.

Eighty-first—To the Mine Rescue Station Commission: For equipment and maintenance of mine rescue stations and mine rescue cars, traveling expenses of men and of rescue cars, necessary traveling and other expenses of the members of the Mine Rescue Commission, telegraph, telephone, postage, freight, expressage and other incidental office expenses and for the payment of one clerk, three assistants and three porters for the mine rescue cars and for the payment of lecturers upon First Aid and other technical subjects, the sum of \$35,000 per annum.

Eighty-second—To the Illinois Stallion Registration Board: For secretary's salary, \$100 per annum; for chief clerk, \$1,200 per annum; for assistant field superintendent, \$1,500 per annum; for stenographer, \$1,000 per annum; for janitor, \$180 per annum; for clerk hire, \$1,000 per annum; for veterinary services, \$800 per annum; for per diem of the board members, \$500 per annum; expenses of the board members and assistant field superintendents, \$1,800 per annum; printing and stationery, \$2,000 per annum; for postage, \$1,500; for miscellaneous, the sum of \$400 per annum.

Eighty-third—To Wm. Schofield, the sum of \$75. To Edna Little, services as telephone operator from January 8 to June 20, 1913, the sum of \$250.00.

Eighty-fourth—To the Printer Expert: For two proof readers, \$1,200 each per annum, \$2,400 per annum; for messenger and janitor, \$840 per annum; postage and office expenses, \$300 per annum; for the purpose of employing help in connection with the public printing of the State, the sum of \$3,000 per annum.

Eighty-fifth—To the Fort Massac trustees, the sum of \$600 per annum for the purpose of paying the salary of the custodian; for general improvements and other necessary expenses, \$2,500 per annum; for extension of retaining walls, \$1,500.

Eighty-sixth—To the State Board of Agriculture: For the salary of secretary, \$3,500 per annum, no further sum to be paid said officer from any fees collected by said board; for salary of chief clerk, \$2,000 per annum; receiving and shipping clerk, \$1,200 per annum; stenographer, \$1,200 per annum; statistical clerk, \$1,200 per annum; janitor, \$600 per annum; filing clerk, \$1,000 per annum; for encouragement of an exhibit at the State Fair, \$5,000 per annum; for traveling expenses of members and officers of the board the sum of \$2,000 per annum; for expenses of collecting, compiling and publishing livestock and agricultural statistics, the sum of \$600 per annum; for office expenses, furni-

ture, repairs, postage, expressage, the sum of \$1,200 per annum; for the maintenance, care and repairs of the Illinois State Fair grounds and buildings thereon, the sum of \$12,500 per annum; for additional covered walks, the sum of \$10,000.

Eighty-seventh—To the Farmers' Institute: For postage, express, office library, furniture, incidental office expenses, the sum of \$3,000 per annum; for two stenographers, \$1,000 each per annum, \$2,000 per annum; for messenger and janitor, \$900 per annum; for the per diem and necessary expenses of expert judges, instructors and speakers, furnished by the board of directors, for county farmers' institutes, farmers' short courses in agriculture, farmers' study clubs, etc., the sum of \$6,000 per annum; for the actual expenses of members of the board of directors and officers of the Farmers' Institute in the performance of their duties as such members and officers, for the expenses of district conferences, the expenses of the State institute meetings, in promoting the development of farmers' institute work throughout the State, the sum of \$5,000 per annum; for the purpose of holding one or more farmers' institute meetings in each county in the State, the sum of (\$75) per annum for the fiscal years beginning July 1, 1913, and 1914. The president and secretary of each county farmers' institute shall file annually with the secretary of the Illinois Farmers' Institute a sworn statement in duplicate, which shall show that said farmers' institute has held one or more duly advertised public sessions annually in accordance with such rules as may be prescribed by the board of directors of the Illinois Farmers' Institute. One copy of such sworn statement, together with proper itemized bills certified by the president and secretary of the county institute, covering the necessary expenses for holding the county institute, accompanied by receipted voucher showing the expenditure of moneys named in the itemized bills, shall be filed with the Auditor of Public Accounts by the secretary of the Illinois Farmers' Institute, and the Auditor shall issue his warrant on the State Treasurer in payment of said expenses payable to the treasurer of the county farmers' institute:

Provided, that if the necessary expenses of a county farmers' institute shall not equal the sum of seventy-five dollars (\$75.00), said warrant shall only be drawn for the sum actually expended. Total for 102 counties, \$15,300.

No officer or officers of a county farmers' institute shall be entitled, as such officer or officers, to receive any moneyed compensation for any service rendered the same.

Eighty-eighth—To the commission constituted by an Act entitled, "An Act to provide for the procuring of plans and specifications for a State educational building to investigate and report on a suitable site for its location and for the appointment of commissioners and to make an appropriation to defray the expense of the same," for continuing the work of said commission, the sum of \$10,000.

Eighty-ninth—To the State Water Survey: For salary of director, \$2,000 per annum; engineer, \$3,500 per annum; assistant engineer, \$1,500 per annum; chemist and bacteriologist, \$1,500 per annum; and for such other assistants as may be necessary, the sum of \$3,000 per annum; for salaries of clerks, stenographers, janitors and other necessary employees, \$1,500 per annum; for traveling expenses of the director, engineer, assistant engineers, chemist and bacteriologist and other employees, \$4,000 per annum; for telegraphing, telephoning, expressage, postage, the purchase of furniture, typewriters, office supplies, printing, engraving and the necessary printing paper and stationery therefor, and other necessary expenditures for the maintenance of the office, \$4,500 per annum.

Ninetieth—To the Industrial Board: For the salary of secretary, \$2,500 per annum; for salary of statistician, \$1,800 per annum; for bookkeeper, \$1,500 per annum; for two stenographers, \$1,000 each per annum, \$2,000 per annum; for fees of arbitration agents and medical examiners, the sum of \$8,000 per annum; for traveling expenses of members of the board, arbitration agents, medical examiners, secretary and stenographers, the sum of \$7,500 per annum; for office rent, the sum of \$1,500 per annum; for furniture and office supplies, the sum of \$1,000 per annum; for printing, postage, and express, the sum of \$1,000 per annum; for telephone, telegraph and miscellaneous expense, the sum of \$1,000 per annum.

Ninety-first—To the Illinois State Horticultural Society: For the purpose of advancing the growth and development of the horticultural interests of the State for the years 1912 and 1913, the sum of \$5,000 per annum: *Provided, however*, that no portion thereof shall be paid for, or on account of any salary or emoluments of any officer of said society, except the secretary, who may receive not to exceed \$400 per annum: *And, provided, further*, that \$1,000 of said sum be expended each year in field experiments.

Ninety-second—To the State Public Utilities Commission: The sum of \$60,000 per annum.

Ninety-third—For Legislative Reference Bureau: For payment of salaries of secretary, clerks, stenographers, office expenses and traveling expenses, the sum of \$25,000.

Ninety-fourth—[Vetoed].

Ninety fifth—For payment of expenses incurred by the joint committee, appointed by virtue of House Joint Resolution No. 24 of the House and Senate of the 47th General Assembly of the State of Illinois, for the purpose of making an investigation of the question of public utilities.

2. Expense Hotel LaSalle, meals, rooms and service for commissioners, \$296.44; M. J. Stein, legal service, \$100.00; John T. Denvir, expense, \$175.00; R. J. Barr, \$175.00; Edward J. Glackin, \$175.00; W. O. Potter, \$125.00; Chester W. Church, \$175.00; George W.

Alschuler, \$125.00; William Holaday, \$175.00; William Scanlan, \$175.00; Thos. N. Gorman, \$175.00; T. B. Scouten, salary as sergeant-at-arms and expenses, \$1,566.77; W. L. Corris, fees and stenographer, \$4,000.00; Will Colvin, salary as clerk and expense, \$1,200.00; John Dailey, expenditures for committee, \$4,049.43; Geo. A. Schmidt, attorney's fees and typewriting, \$585.00.

3. The above items shall be certified by the chairman of said joint committee and the chairman, respectively, of the committees on appropriations of the House of Representatives and Senate of the 48th General Assembly of the State of Illinois.

For miners and Mechanics Institute, in accordance with the provisions of an Act entitled, "An Act to prevent accidents in mines and other industrial plants and to conserve resources of the State by the establishment of Illinois miners and mechanics institutes and for the administration and support of the same," approved May 25, 1911, the sum of \$15,000 per annum.

Ninety-sixth—To the commission to investigate home finding societies, House Joint Resolution No. 36, the sum of \$7,000. For witness fees and expenses, John Fitzpatrick, \$14.40; Oscar Nelson, \$14.40; E. N. Nockels, \$14.40; Fred G. Hopp, \$14.40; Thos. F. Kennedy, \$14.40; Mrs. Raymond Robins, \$14.40; F. Donahue, \$14.40; G. A. Kane, \$14.40; Charles Grassell, \$14.40; William Rossell, \$14.40; Margaret Haley, \$4.00; John O'Neil, \$4.00; Dal G. Jones, \$4.00; A. C. Anderson, \$4.00; Dennis Enright, \$4.00.

Ninety-seventh—[Vetoed].

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw warrants on the State Treasurer for all sums herein appropriated for the pay of clerks, secretaries, porters, messengers, janitors, watchmen, policemen, laborers, engineers, firemen, stenographers, curators, librarians and other employees, when not otherwise provided for by law, to be paid on monthly pay-rolls duly certified to, respectively, by the heads of departments, or by boards of commissioners and trustees requiring the services of such employees; and for all other appropriations specified herein, warrants on the State Treasurer shall, when not otherwise provided by law, be drawn only on itemized bills, accompanied by receipted vouchers, showing the expenditure of money's named in the itemized bills, except for expenditures for railroad or street car fare. In cases of expenditures for railroad fares, the itemized bills must show from what point to what point traveled, and the amount paid for the same; said itemized bills to be certified to by the heads of departments; all sums disbursed from appropriations made herein shall be paid upon complying with the following requirements: Bills for traveling expenses shall be certified to by heads of departments, boards of commissioners and trustees and approved by the Governor. All such bills must show items by dates and charges for transportation shall show from what point to what point traveled and the amount for the same.

STATE TREASURER—DEFICIENCY.

§ 1. Appropriates \$10,000.

§ 3. Emergency.

§ 2. How drawn.

(SENATE BILL NO. 179. APPROVED APRIL 22, 1913.)

AN ACT to meet a deficiency and making an appropriation to provide necessary expenses accrued and to accrue in the office of the Treasurer of the State until July 1, 1913.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of ten thousand dollars (\$10,000.00), or so much thereof, as may be necessary is hereby appropriated for the purposes of meeting the deficiency now existing and to provide the necessary funds to the Treasurer of the State of Illinois to carry on the business of the State Treasurer for employment of attorney and fiscal secretary in investigating and collecting public funds, for collection of inheritance tax and for other incidental office expenses.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the moneys herein appropriated upon presentation of vouchers certified to by the Treasurer of the State, out of any moneys in the treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriation above recited is necessary to meet a deficiency and to provide sufficient funds to carry on the business of the State until July 1, 1913, therefore an emergency exists and this Act shall be in force and take effect from and after its passage.

APPROVED April 22, 1913.

CANALS, LAKES AND RIVERS.

RIVERS AND LAKES COMMISSION—ACT OF 1911 AMENDED.

§ 1. Amends sections 1, 7, 8, 9, 10, 14, 15 and 18 and adds sections 26a, 26b and 29, Act of 1911.

§ 1. As amended, appointments to be confirmed by Senate.

§ 7. As amended, adds paragraph concerning encroachments.

§ 8. As amended, requires entry of order defining rights and interests of parties.

§ 9. As amended, requires entry of order to prevent wrongful interference with navigation.

§ 10. As amended, requires entry of order to correct wrongful act, etc.

§ 14. As amended, provides for investigation of polluted streams and lakes and order commanding abatement of nuisances, etc.

§ 15. As amended, commission or agent may cross lands and enter buildings, etc.

§ 18. Structures or improvements in public water—submission and approval of plans—no power to give, sell or lease State land—penalties—abatement of pre-purchase—terms “public waters,” etc., defined.

RIVERS AND LAKES COMMISSION—ACT OF 1911 AMENDED—*Concluded.*

§ 26a. Orders made and entered only after proper notice and hearing—penalty for violation of order—appeal proceedings—when no appeal taken—what officers to enforce orders of commission.

§ 26b. Investigations and hearings—power to subpoena witnesses and administer oaths—penalties for violations—attachment for contempt.

§ 29. Construction of Act.

(SENATE BILL NO. 404. APPROVED JUNE 30, 1913.)

AN ACT to amend sections one (1), seven (7), eight (8), nine (9), ten (10), fourteen (14), fifteen (15) and eighteen (18) of an Act entitled, "An Act creating a rivers and lakes commission for the State of Illinois, and defining the duties and powers thereof," approved June 10, 1911, in force July 1, 1911, and to add thereto three new sections to be known as sections 26a, 26b and 29.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections one (1), seven (7), eight (8), nine (9), ten (10), fourteen (14), fifteen (15), and eighteen (18) of an Act entitled, "An Act creating a rivers and lakes commission for the State of Illinois, and defining the duties and powers thereof," approved June 10, 1911, in force July 1, 1911, be amended and that three new sections, to be known as sections 26a, 26b and 29, be added thereto, said sections as amended and said new sections to read as follows:

§ 1. That the Governor of the State of Illinois, by and with the advice and consent of the Senate, shall appoint a rivers and lakes commission in and for the State of Illinois, whose powers and duties shall be as specified herein; and the Governor shall, at the time of the appointment of said commission, as herein provided, designate one member thereof, who shall be the chairman of said commission, and shall thereafter name the successor of the said chairman as the vacancy occurs.

§ 7. It shall be the duty of said commission to have a general supervision of every body of water within the State of Illinois, wherein the State or the people of the State have any rights or interests, whether the same be lakes or rivers, and at all times to exercise a vigilant care to see that none of said bodies of water are encroached upon, or wrongfully seized or used by any private interest in any way, except as may be provided by law and then only after permission shall be given by said commission, and from time to time for that purpose, to make accurate surveys of the shores of said lakes and rivers, and to jealously guard the same in order that the true and natural conditions thereof may not be wrongfully and improperly changed to the detriment and injury of the State of Illinois.

The Rivers and Lakes Commission of Illinois shall have power and authority to inquire into encroachments upon, wrongful invasion and private use of every stream, river, lake or other body of water in which the State of Illinois has any right or interests. The commission shall have power to make and enforce such orders as will secure every stream, river, lake or other body of water, in which the State of Illinois has any right or interest against encroachment, wrongful seizure or private use.

§ 8. It shall be the duty of the Rivers and Lakes Commission of Illinois to receive from any citizen complaints as to any invasion of or encroachment upon any rights of the State of Illinois, or of any citizen of the State of Illinois, with reference to any of the public bodies of water of the State of Illinois, or as to any interference with the right or claim of any citizen to use or enjoy any public water of this State, and upon being requested so to do, the said Rivers and Lakes Commission shall hold a public hearing for the purpose of taking evidence with reference to the subject matter of said complaint, and of hearing all persons who may appear upon behalf of, or in opposition to said petition, and at the conclusion of such hearing they shall enter an order defining the rights and interests of the parties, and prescribing their duties.

§ 9. It shall be the duty of the Rivers and Lakes Commission to carefully investigate any and all complaints that may be made that any person, company or corporation is attempting to interfere with the free and unobstructed navigation of any of the public bodies of water of the State of Illinois, and if they find that such complaint is well founded, they shall enter such order as may be required to prevent such wrongful interference with such navigation.

§ 10. It shall also be the duty of said Rivers and Lakes Commission to investigate any and all complaints within the State of Illinois that any person, company, association or corporation is attempting to assert any lawful rights or exclusive privileges or franchises with reference to docks, landings, wharves, or the free and unobstructed access to, or egress from any navigable body of water in the State of Illinois, and if they find upon investigation that any such complaint is well founded, they shall enter such order as may be necessary to correct the wrongful act or evil complained of.

§ 14. It shall be the duty of said Rivers and Lakes Commission to see that all of the streams and lakes of the State of Illinois, wherein the State of Illinois, or any of its citizens, has any rights or interest, are not polluted or defiled by the deposit or addition of any injurious substances, and that the same are not affected injuriously by the discharging therein of any foul or injurious substances, so that fish or other aquatic life is destroyed. And if, upon investigation, the commission shall find that any of such streams and lakes are so polluted and defiled, or are affected injuriously by the discharging therein of any foul or injurious substances so that fish or other aquatic life is destroyed, it shall be the duty of said commission to enter an order commanding the abatement of such nuisances within such time as may be fixed by the commission.

§ 15. It shall be the duty of said Rivers and Lakes Commission to obtain and preserve in its office all obtainable data with reference to the rivers and lakes of Illinois, and to make such office a repository thereof, and all of such records and data shall be public and be available for the use of any person who may be interested therein; and certified copies thereof shall be received in court as evidence of the facts therein set forth. To secure the information authorized by this section to be

obtained the commission or its duly authorized agent may cross any lands within the State and enter any building or factory where the power used is of hydraulic generation.

§ 18. It shall be the duty of any and all persons desiring to make any improvements, or erect any work or structure in any of the public bodies of water of the State of Illinois to submit the plans, profiles and specifications to the Rivers and Lakes Commission for their approval. It shall be unlawful for any person, firm or corporation to make any improvements, or erect any work or structure in any of the public bodies of water of this State without the consent in writing of the Rivers and Lakes Commission, and said commission is hereby authorized and empowered to grant permission for the construction of such structures and the maintenance and operation, of such works, as in its judgment will be conducive to or necessary to the public health or to the public welfare. Nothing herein contained shall be construed to give to said commission any power or authority to give away, sell or lease any submerged or other lands of the State of Illinois. Any person, firm or corporation violating the provisions of this section shall, on conviction, be fined in a sum not exceeding five thousand dollars (\$5,000) or imprisoned in the county jail not exceeding one year, or may, in the discretion of the court, be punished by both such fine and imprisonment. Any structure erected in any of the public waters of this State in violation of this section is hereby declared to be a purpresture and may be abated as such: *Provided*, that upon petition said commission shall consider all matter relative thereto and determine if said structure may remain or shall be abated, and if said commission shall determine that said structure may remain it may also fix such rules, regulations, requirements or restrictions as shall be necessary to protect the interests of the State. Wherever the terms public waters, public bodies of waters or public streams are used or referred to in this section they shall be construed to mean all open public streams and lakes capable of being navigated by water craft for commercial uses and purposes, together with all bayous, sloughs, backwaters and submerged lands that are open to the main channel or body of water and directly accessible in their natural state by such water craft.

§ 26a. All orders entered by said commission shall be made only upon giving due and reasonable notice to persons to be affected thereby; or having any interest in the subject matter of such inquiry and after a hearing in relation thereto. Any person who shall neglect or refuse or fail to obey any lawful order made by the rivers and lakes commission and to carry the same into effect in accordance with the terms of such order shall be liable to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) to be recovered in an action of debt in the name of the People of the State of Illinois in any court of competent jurisdiction.

Any party to any proceeding before this commission, or any party affected by an order thereof, may appeal to the circuit court of Sangamon county at any time within twenty days after service of a copy of such order on the parties of record in such proceedings. The party

taking such appeal shall file with the commission written notice of such appeal. The commission, upon the filing of such notice of appeal, shall, within five days after the filing of said notice, file with the clerk of said circuit court of Sangamon county, Illinois, a certified copy of the pleadings and order appealed from. The party serving such notice of appeal shall, within five days after the service of said notice upon said commission, file a copy of said notice with proof of service with the clerk of said court to which such appeal is taken and thereupon said circuit court shall have jurisdiction over said appeal and the same shall be entered upon the records of said court and shall be tried therein according to the rules relating to the trial of chancery suits so far as the same are applicable. The Rivers and Lakes Commission of Illinois shall be designated as complainant, and the person or persons affected by the order of said commission shall be designated as defendant; no further pleadings than those already filed before the commission shall be necessary. Such order made by said commission shall be *prima facie* evidence of the matters therein stated, and the order shall be *prima facie* reasonable, and the burden of proof raised by the appeal shall be on the appellant. If said court shall determine that the order appealed from is lawful and reasonable, it shall be affirmed and the order enforced as provided by law; otherwise, it shall be vacated and set aside. If an appeal is not taken, such order shall become final and it shall thereupon be the duty of the person or persons affected thereby to comply therewith. All orders from which no appeal is taken shall be deemed to be in full force and effect for all purposes from the time when the right to appeal from such order expires. When no appeal is taken from an order, as herein provided, parties affected by such order shall be deemed to have waived the right to have the merits of said controversy reviewed by a court and there shall be no trial of the merits of or re-examination of the facts of any controversy in which such order was made by any court to which application may be made for a writ to enforce the same. Appeals from all final orders and judgments entered in review by the said circuit court of the action of the commission, shall go directly to the Supreme Court. It shall be the duty of the sheriffs, constables, marshals and police officers to enforce all lawful orders of the Rivers and Lakes Commission.

§ 26b. The Rivers and Lakes Commission may make such investigations and conduct such hearings as may be necessary to the performance of their duties under this Act. In making any investigation or conducting any hearing as contemplated by this Act, said commission shall have the power to issue subpoenas for the attendance of witnesses, and may administer oaths. Any person who shall be served with a subpoena to appear and testify, or to produce books and papers, and who shall refuse or neglect to appear or to testify, or to produce books and papers relevant to such investigation, as commanded in such subpoena, shall, on conviction, be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail not more than six months, or by both such fine and

imprisonment, in the discretion of the court. Any circuit court of this State, or any judge thereof, in vacation, upon application of said commission, may compel the attendance of witnesses, the production of books and papers and the giving of testimony before said commission by attachment for contempt as in other cases for refusal to obey the process and order of said court.

§ 29. Nothing in this Act contained shall be construed to or shall repeal an Act entitled, "An Act to amend an Act entitled, 'An Act to enable park commissioners having control of a park or parks bordering upon public waters in this State, to enlarge and connect the same from time to time by extensions over lands and the bed of such waters and defining the use which may be made of such extensions and granting submerged lands for the purpose of such enlargements,' approved May 14, 1903, in force July 1, 1903, and to amend the title thereof and to repeal the Act therein named," approved June 11, 1912, in force July 1, 1912.

Nothing in this Act contained shall be construed to apply to any harbor, pier, breakwater or other structure, now or hereafter erected, maintained or operated under authority of law by any city, village, incorporated town or park board, in or adjacent to the shore of any navigable lake, or in any way affect, curtail, modify, abridge or limit any power, right, grant or privilege given to, or conferred upon the Sanitary District of Chicago, or any sanitary district organized under an Act entitled, "An Act to create sanitary districts and remove obstructions in the Des Plaines and Illinois Rivers," approved May 29, 1889, in force July 1, 1889, and all amendments thereto, or in any way affect an Act to authorize the Sanitary District of Chicago to construct, operate and maintain a harbor in Lake Calumet, Cook county, Illinois, nor shall this Act apply to or in any way affect powers, rights and jurisdiction of the commission of the Illinois and Michigan Canal, nor shall the Rivers and Lakes Commission of Illinois exercise any control or jurisdiction over the Illinois and Michigan Canal.

Upon the completion of any harbor, pier, breakwater or other structure by any city, village, incorporated town or park board, in or adjacent to the shore of any navigable lake, the corporate authorities thereof, respectively, shall file with said Rivers and Lakes Commission a certified copy of the plans thereof.

APPROVED June 30, 1913.

CHARITIES.

AID TO MOTHER AND CHILDREN—PROBATIONARY VISITATION, ETC.

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| § 1. Jurisdiction. | § 11. Conditions upon which relief is granted. |
| § 2. Application for relief. | § 12. Relief for child between 14 and 16 years. |
| § 3. Official investigation and report. | § 13. Presence of husband. |
| § 4. Petition—form of. | § 14. Probation officers—their pay. |
| § 5. Summons. | § 15. Duty of probation officers. |
| § 6. Service. | § 16. Levy of tax—limitation. |
| § 7. New process. | § 17. Partial relief. |
| § 8. Appearance—hearing. | § 18. Penalty for fraud. |
| § 9. Hearing—order of payment—duty of county board. | § 19. Repeal. |
| § 10. Amount of allowance. | |

(SENATE BILL NO. 300. APPROVED JUNE 30, 1913.)

AN ACT to provide for the partial support of mothers whose husbands are dead or have become permanently incapacitated for work by reason of physical or mental infirmity, when such mothers have children under fourteen years of age, and are citizens of the United States of America and residents of the county in which application for relief is made. And, also, to provide for the probationary visitation, care and supervision of the family for whose benefit such support is provided.

SECTION 1. JURISDICTION.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The juvenile court, or where there is no juvenile court, the county court in the several counties in the State, shall have original jurisdiction in all cases coming within the terms of this Act.

§ 2. A woman whose husband is dead or whose husband has become permanently incapacitated for work by reason of physical or mental infirmity, may file an application for relief under this Act, provided such woman is a citizen of the United States of America and has a previous residence for three years in the county where such application is made and is the mother of a child or children.

§ 3. OFFICIAL INVESTIGATION AND REPORT.] Whenever an application for relief is filed the home of the applicant shall be visited by an officer of the court having jurisdiction of the matter, and the facts set forth in such application shall be investigated by such officer under the direction of the court, and a report and recommendation of the approval or disapproval of such application shall be made in writing by such officer to the court without any unnecessary delay.

§ 4. PETITION—FORM OF.] After the investigation of such application for relief by an officer of court and the filing of the report and recommendation thereon of such officer, such officer of court or any reputable and responsible person who has a residence in the county may file with the clerk of the court having jurisdiction of the matter, a

petition in writing duly verified by affidavit setting forth such facts as are necessary under this Act to give the court jurisdiction of the parties and of the subject matter, and setting forth such other facts, which, when found by the court to be true, shall be the basis upon which, the order of relief is entered. It shall be sufficient that the affidavit is upon knowledge, information and belief. A separate petition shall be filed for each child. The mother of such child and the county board of the county in which the petition is filed shall be made parties respondent to such petition.

§ 5. SUMMONS.] Upon the filing of such petition a summons returnable not less than three days nor more than ten days after the date thereof shall issue to the respondents named in such petition requiring the mother with such child and all the respondents to appear at a place and time stated in the summons, which time shall be on the return day of such summons.

§ 6. SERVICE.] Service of summons shall be made in the same manner as is provided for the service of a summons in an Act entitled, "An Act to regulate practice in courts of chancery," approved March 15, 1872, in force July 1, 1872.

§ 7. NEW PROCESS.] Whenever process shall not be returned executed on or before the return day thereof, the court may direct the clerk to issue an *alias*, *pluries* or other process, returnable at a time ordered by the court.

§ 8. APPEARANCE—HEARING.] The filing of a written appearance by a respondent shall render the service of summons on such respondent unnecessary. The court shall proceed to hear the cause upon the return day of the summons or upon a day thereafter to be fixed by the court without the formality of the respondents filing answers: *Provided*, all the respondents have either been served with summons or have their written appearance in said cause.

§ 9. HEARING—ORDER OF PAYMENT—DUTY OF COUNTY BOARD.] Upon the hearing in court of a petition under this Act, the court, being fully advised in the premises finding the facts alleged in the petition to be true, may make an order upon the county board of the county to pay to the mother of the child or children in whose behalf the petition or petitions are filed an amount of money necessary to enable such mother to properly care for such child or children. It thereupon shall be the duty of the county board, through its county agent or otherwise, to pay to such mother at such times as said order may designate the amount so specified for the care of such child or children until the further order of the court.

§ 10. AMOUNT OF ALLOWANCE.] The allowance made to such mother shall not exceed fifteen dollars per month when such mother has but one child under the age of fourteen years, and if she has more than one child under such age, the relief granted shall not exceed ten dollars per month for each of the other children: *Provided*, that in no event shall the relief granted for any one mother and children exceed the sum of fifty dollars per month.

§ 11. CONDITIONS UPON WHICH RELIEF IS GRANTED.] Such relief shall be granted by the court only upon the following conditions:

(1) The child or children for whose benefit the relief is granted must be living with the mother of such child or children; (2) the court must find that it is for the welfare of such child or children to remain at home with the mother; (3) the relief shall be granted only when in the absence of such relief the mother would be required to work regularly away from her home and children and when by means of such relief she will be able to remain at home with her children, except that she may be absent for work a definite number of days each week to be specified in the court's order, when such work can be done by her without the sacrifice of health or the neglect of home and children; (4) such mother must, in the judgment of the court, be a proper person, physically, mentally and morally fit, to bring up her children; (5) the relief granted shall, in the judgment of the court, be necessary to save the child or children from neglect; (6) a mother shall not receive such relief who is the owner of real property or personal property other than the household goods; (7) a mother shall not receive such relief who is not a citizen of this country and who has not resided in the county where the application is made at least three years next before making such application; (8) a mother shall not receive such relief if her child or children have relatives of sufficient ability to support them.

§ 12. RELIEF FOR CHILD BETWEEN 14 AND 16 YEARS.] Whenever any child shall arrive at the age of fourteen years any relief granted to the mother for such child shall cease: *Provided*, if a child of fourteen years of age be ill or is incapacitated for work, the mother shall receive funds for his care during such illness or incapacity for work until such child is sixteen years of age. The court may, in its discretion, at any time before such child reaches the age of fourteen years, modify or vacate the order granting relief to any mother and for any child.

§ 13. PRESENCE OF HUSBAND.] Whenever relief is granted or is about to be granted to a mother whose husband is permanently incapacitated for work by reason of physical or mental infirmity and the presence of such husband in the family is a menace to the physical and moral welfare of the mother or children, then the court may require that such husband be removed from the home and provision for his care made elsewhere, or failing to remove such husband or upon his refusal to be separated from his family, the court may, in its discretion, vacate the order granting relief, or refuse the relief asked for.

§ 14. PROBATION OFFICERS—THEIR PAY.] The court having jurisdiction in proceedings coming within the provisions of this Act shall have the power to appoint one or more qualified persons of good character, who shall serve and be known as probation officers, during the pleasure of the court, and who shall be paid a suitable compensation by the county for their services, the amount thereof to be determined by the county board.

§ 15. DUTY OF PROBATION OFFICERS.] It shall be the duty of such officers to investigate all applications for relief and make a written report of such investigation with their recommendations.

After granting of relief to any mother for the support of her children it shall be the further duty of such officers to visit and supervise, under the direction of the court, the families to which such relief has been granted and to advise with the court and to perform such other duties as the court may direct in order to maintain the integrity of the family and the welfare of the children.

§ 16. The county board in each county shall levy a tax of not to exceed three-tenths of one mill on the dollar annually on all taxable property in the county, such tax to be levied and collected in like manner with the general taxes of the county, and to be known as a mothers' pension fund: *Provided*, that said tax shall not be included in the aggregate of all the taxes required to be reduced under the provisions of an Act entitled, "An Act concerning the levy and extension of taxes," approved May 9, 1901, in force July 1, 1901, and Acts amendatory thereof.

§ 17. PARTIAL RELIEF.] Should the fund herein authorized be sufficient to permit an allowance to only a part of the mothers coming within the provisions of this Act, the court shall select, in its discretion, those in most urgent need of such allowance.

§ 18. PENALTY FOR FRAUD.] Any person or persons fraudulently attempting to obtain or fraudulently obtaining any allowance for relief under this Act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than five dollars nor more than two hundred dollars, or imprisoned in the county jail for a period of not to exceed six months, or both.

§ 19. All Acts or parts of Acts inconsistent herewith are hereby repealed.

APPROVED June 30, 1913.

DEPORTATION AGENT FOR BOARD OF ADMINISTRATION.

§ 1. Appointment—compensation, how paid—
duties—office at Chicago State Hospital—
expenses.

§ 2. Appointment of assistant—compensation,
how paid.

§ 3. Rules and regulations.

(HOUSE BILL NO. 903. APPROVED JUNE 28, 1913.)

AN ACT creating the office of State deportation agent for the Board of Administration of the State of Illinois, fixing his compensation and providing for assistants and fixing their compensation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby created the office of State deportation agent, whose duties shall be to arrange for the deportation of alien inmates found in the State hospitals for the insane in Illinois and in the other charitable institutions of the State. Said deportation agent shall be appointed and subject to removal by the Board of Administration in like manner as the superintendents or

managing officers of the State charitable institutions are now appointed and removed, and shall not be included in the classified service of the State. The compensation of said deportation agent shall be, and is hereby fixed, at \$3,600.00 per annum, to be paid out of any money in the State treasury, appropriated for salaries of the officers of the State government. The Auditor of Public Accounts is hereby authorized and directed to pay the same out of any such money not otherwise appropriated. Said deportation agent shall devote his entire time to the duties of his position and shall hold no other lucrative office or follow any gainful profession, occupation or employment. He shall maintain an office at the Chicago State hospital and shall be allowed one stenographer, office expenses and actual traveling expenses for himself and assistants incurred in official duties, to be paid on bills approved by the Board of Administration out of any funds which may be appropriated for the ordinary operating expenses of the State charitable institutions.

§ 2. The State deportation agent is hereby provided with one assistant, to be appointed by the Board of Administration, and his compensation is hereby fixed at \$2,400.00 per annum, to be paid out of any money in the State treasury appropriated for salaries of the officers of the State government. The Auditor of Public Accounts is hereby authorized and directed to issue warrants for such compensation and the State Treasurer is authorized and directed to pay the same out of any such money not otherwise appropriated.

§ 3. The Board of Administration shall adopt rules and regulations prescribing the duties of the State deportation agent and his assistants.

APPROVED June 28, 1913.

EPILEPTIC COLONY—ESTABLISHMENT.

Preamble.

- § 1. Creation—name—location.
- § 2. Acquisition of site—eminent domain.
- § 3. Plans and specifications.
- § 4. Object of colony—how constructed.
- § 5. Staff of physicians.
- § 6. Research and study.

- § 7. Admission of patients—examination and return—support—insane prohibited.
- § 8. No liability of officers or employees.
- § 9. Transfer of patients.
- § 10. Discharge and parole.
- § 11. Rules and regulations.
- § 12. Repeal.
- § 13. Invalidity.

(SENATE BILL NO. 132. APPROVED MAY 27, 1913.)

AN ACT *providing for the creating, locating, constructing and administering of a State colony for the care and treatment of epileptics.*

WHEREAS, There are, in Illinois, at least 10,000 persons of all ages and conditions, suffering from epilepsy; and

WHEREAS, Such persons are proper and fit subjects for State care and treatment; and

WHEREAS, By reason of the very nature of this disease such persons are prevented from employing their time with profit, and the young

epileptic is debarred from the public [and] private schools because of such misfortune, and the epileptic at large suffers grave physical injuries; and

WHEREAS, In colony life the epileptic finds safe employment, opportunity for improving his condition, mental and physical, and protection; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby created and established a State Colony for Epileptics to be administered under the direction of the Board of Administration in accordance with the terms and provisions of an Act of the General Assembly entitled, "An Act to revise the laws relating to charities," approved June 11, 1912, in force July 1, 1912. Said colony shall be known and designated as provided in said Act, or by such other name and designation as may be given to it by said Board of Administration. The said colony shall be located upon ground to be selected by the Board of Administration, as herein-after provided. It shall be the duty of said board to so locate said colony that its inmates may be employed a maximum period each year in the open air.

§ 2. The Board of Administration is hereby authorized and directed to acquire a proper site for the location of said colony of not less than 1,000 acres of land.

If said board shall be unable to acquire said site and lands, or any part thereof, by agreement with the owner or owners for the purchase of the same for the purposes enumerated in this Act, the said Board of Administration may thereupon proceed to acquire such lands and the title thereto in the manner that may now or hereafter be provided for by an Act entitled, "An Act to provide for the exercise of right of eminent domain," approved April 1, 1872, in force July 1, 1872, and any and all Act or Acts amendatory thereto.

§ 3. On determination of the site and lands provided for in section 2 of this Act, the Board of Administration shall cause to be prepared by the State Architect and his consulting engineer plans and specifications for the creation of an institution on the cottage system of proportions sufficient for the care and comfort of not less than 1,500 inmates, together with suitable quarters for a superintendent, officers and employees; that all of the buildings provided for in this Act shall be of the most approved type of fireproof construction, durable and free from ornamentation; that all buildings designed for care of inmates shall be of not more than two stories and basement, with inclines instead of stairs to connect the floors; that the said plans and specifications shall provide all necessary heating, lighting, power, ventilation, water supply, and drainage appliances, and all other equipment necessary to insure an institution adequate for the purposes intended, and sanitary in all respects. Construction shall not be begun, however, until the plans and specifications have been first approved by the Board of Administration, in accordance with the provisions of an Act entitled, "An Act to revise the laws relating to charities," approved June 11, 1912, in force July 1, 1912, and all subsequent amendments thereto.

§ 4. The object of said colony shall be to secure for *bona fide* resident epileptics of Illinois a place of employment, instruction, treatment and custody. Said colony shall be so planned, arranged and constructed that there shall be adequate segregation of the sexes, separation of children from adults, and proper classification of the inmates.

§ 5. Said colony shall maintain a staff of physicians, educated and trained in the care and treatment of nervous and mental diseases, who shall perform such duties in accordance with rules to be formulated by the Board of Administration.

§ 6. The superintendent and members of the staff of said colony shall have the same access and enjoy the same opportunities for study, research and information at the State Psychopathic Institute as are enjoyed by the superintendent and members of the staffs of State hospitals for insane; and it shall be the duty of the Board of Administration to make the necessary provisions for research and study in epilepsy, its causes, methods of treatment, and probable measures of prevention.

§ 7. Applicants, residents of Illinois, may be admitted to said colony by either of the following methods: 1. Upon voluntary application to the superintendent, substantiated by proof that said applicant is in need of care and treatment of said colony, such proof to consist of certificates from two physicians setting forth that said applicant for admission is an epileptic. Such certificates shall be under oath and made within thirty days next preceding the filing of such application. Physicians making such certificates shall be duly licensed to practice medicine or surgery in the State of Illinois, and shall have been in the actual practice of their profession. The application, certificate and other forms relating to the admission shall be in accordance with the rules and forms prescribed by the Board of Administration. 2. Any parent, relative, conservator, guardian, or reputable citizen, may file a petition in any court of record of the county where the alleged epileptic resides, setting forth that the person is suffering from epilepsy and is a proper subject for the care and custody of said colony. Such court shall make an inquiry in term time or vacation into the mental and nervous condition of such person to determine whether he is or is not an epileptic; and if it is found upon the evidence of two or more reputable physicians that such person is an epileptic, said court may order the admission of such a person, and it shall be the duty of the superintendent to receive him or her and record him or her among the inmates of said colony: *Provided*, that if such alleged epileptic is an adult his consent in writing shall be first obtained, and if a minor, or under any other disability, the consent in writing of the parent, guardian or conservator shall be first obtained: *And, provided*, that in case there is no room in said colony, the said person shall wait his or her turn. County quotas of inmates to said colony shall be based upon population to be determined by the Board of Administration.

If upon further examination at the said colony it shall appear that such person is not suffering from epilepsy, then it shall be the duty of the superintendent to recommend to the Board of Administration, and

the Board of Administration to direct the return to the party or parties responsible for his or her admission, and all charges for expenses of such return shall be collected from the party or parties responsible for his or her admission, *and all charges for expenses of such return shall be collected from the party or parties responsible for his or her admission: Provided*, that it shall be shown to the satisfaction of said court at the time of the inquiry that the said person, his or her parents and relatives, are not able to bear such expenses; then such expenses shall be paid out of the county funds: *Provided, also*, that the terms of section twenty-three of "An Act revising the laws relating to charities," approved June 11, 1912, and in force July 1, 1912, shall be applied by the Board of Administration to the inmates of this colony and their friends and relatives.

It shall be unlawful to keep in said colony any insane person, and any such insane person who shall wrongfully obtain admission shall be returned to the county from which he or she was a resident before admission.

§ 8. The superintendent and members of the medical staff or other officers or employees of said colony shall not be liable at law for receiving or detaining, as provided for in this Act, any person coming to said colony under the terms of this Act.

§ 9. The transfer of all patients from county or city institutions to said colony shall be paid by the county or city. Female patients so transferred shall be accompanied by at least one female officer or attendant designated by the court to perform such duty, and no female shall be transferred from said colony to her home or to another institution except she is accompanied by a reputable female attendant, selected by the superintendent to perform this duty.

§ 10. Discharge and parole from said colony shall be under the direction and control of the Board of Administration, which Board of Administration shall formulate suitable rules and regulations governing the same.

§ 11. The Board of Administration is hereby empowered to make and enforce rules and regulations under the general terms of this Act and of "An Act to revise the laws in relation to charities," approved June 11, 1912, in force July 1, 1912, governing the administration, maintenance and discipline of the said colony.

§ 12. REPEAL.] The following Act and parts of Act[s] are hereby repealed:

"An Act to establish the Illinois State Colony for Epileptics and for making an appropriation therefor," approved April 19, 1899, in force July 1, 1899, and all Acts or provisions in any Act, in conflict with this Act, are hereby repealed.

§ 13. The invalidity of any portion of this Act shall not affect the validity of any other portion hereof, which can be given effect without such invalid part.

APPROVED May 27, 1913.

NON-SECTARIAN PUBLIC HOSPITALS—CONTRIBUTIONS BY CITIES OR COUNTIES.

§ 1. Contributions by city or county authorized. | § 2. Act of 1889 repealed.

(HOUSE BILL No. 715. APPROVED JUNE 27, 1913.)

AN ACT to enable cities and counties in this State to contribute towards erecting, building, maintaining and supporting nonsectarian public hospitals located within their respective limits, and to repeal a certain Act therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be lawful for any county or any city of this State to contribute such sum or sums toward erecting, building, maintaining and supporting any nonsectarian public hospital for the sick or infirm located within its limits as the county board of the county, or the city council of the city shall deem discreet and proper.

§ 2. That an Act entitled, "An Act to enable cities and counties in this State to contribute towards the support of nonsectarian public hospitals located within their respective limits," approved May 23, 1889, in force July 1, 1889, be and the same is hereby repealed.

APPROVED June 27, 1913.

CITIES, TOWNS AND VILLAGES.

ANNEXATION AND EXCLUSION OF TERRITORY—ACT OF 1872 AMENDED.

§ 1. Amends sections 1 and 3, Act of 1872.

§ 1. As amended, omits proviso that no portion less than the whole of any incorporated city, town or village shall be annexed, etc.

§ 3. Proceedings to disconnect territory from one municipality and annex to another—consent by ordinances—copy of ordinance and map filed with recorder of deeds—adjustment of property rights, debts and taxes—repeal.

(HOUSE BILL No. 884. APPROVED JUNE 27, 1913.)

AN ACT to amend sections 1 and 3 of an Act entitled, "An Act to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages," approved April 10, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 1 and 3 of an Act entitled, "An Act to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages," approved April 10, 1872, in force July 1, 1872, be and the same are hereby amended so that they shall read as follows:

§ 1. That on petition, in writing, signed by a majority of the legal voters, and by a majority of the property owners in any territory contiguous to any city or incorporated village or town, and not embraced within its limits, the city council or board of trustees of said village, city

or town (as the case may be) shall submit to a vote of the people of said city, village or town (as the case may be) at its next regular election or a special election to be called within sixty (60) days after said petition is presented, the question of the annexation of such proposed territory: *Provided, however*, that where the said petition shall be presented within ninety (90) days prior to a regular election no special election shall be called. In case the question of such annexation shall receive a majority of all the votes cast at said election in favor thereof, the city council or board of trustees of said city, village or town (as the case may be), shall, within ninety days thereof, by ordinance, annex such territory to such city, village or town, upon filing a copy of such ordinance, with an accurate map of the territory annexed (duly certified by the mayor of the city or president of the board of trustees of the village or town), in the office of the recorder of deeds in the county where the annexed territory is situated, and having the same recorded therein.

§ 3. That on petition in writing, signed by one-half ($\frac{1}{2}$) of the legal voters and by one-half ($\frac{1}{2}$) of the property owners in any territory, not exceeding in area one hundred and sixty (160) acres, within any city, village or incorporated town, which territory shall be contiguous to another city, village or incorporated town, the city council or board of trustees of the city, village or town in which said territory shall be situated may, by ordinance passed by a two-thirds ($\frac{2}{3}$) vote of the city council or board of trustees (as the case may be) of such city, village or incorporated town, consent that such territory may be disconnected from such city, village or incorporated town and annexed to such other city, village or incorporated town to which such territory is contiguous; and thereupon the city council or board of trustees of such city, village or incorporated town to which such territory is contiguous may, by ordinance passed by a two-thirds ($\frac{2}{3}$) vote of the city council or board of trustees (as the case may be), annex such territory to such municipality: *Provided*, that such territory shall not be disconnected from such municipality in which the same is situated until the same shall be, by ordinance passed as hereinabove provided, annexed to the city, village or incorporated town to which it is contiguous: *And, provided, further*, that the city clerk of the city, village or incorporated town to which such territory is annexed shall, within ninety (90) days after the passage of said ordinance, file a copy of such ordinance, with an accurate map of the territory annexed, duly certified by the city clerk of such municipality, in the office of the recorder of deeds in the county where the annexed territory is situated, and have the same recorded therein: *Provided, further*, that all property rights and questions of indebtedness and tax matters between the municipalities affected, or such territory, shall be adjusted in accordance with the provisions of an Act entitled, "An Act to provide for the annexation of cities, incorporated towns and villages, or parts of same, to cities, incorporated towns and villages," approved and in force April 25, 1889, as amended by an Act approved June 5, 1911, in force July 1, 1911.

Any Act or parts of Acts in conflict herewith are hereby repealed.

APPROVED June 27, 1913.

ANNEXATION OF MUNICIPALITIES OR PARTS OF SAME—ACT 1889
AMENDED.

§ 1. Amends sections 1 and 2, Act of 1889.

§ 1. As amended, one municipality adjoining another in one or more portions may be annexed to such other notwithstanding territory between is not a part of either—majority of voters voting upon question of annexation to decide.

§ 2. As amended, proposition to annex portion of municipality to be submitted to voters of such portion—no election within two years after proposition voted upon—form of ballot—majority of voters voting on question of annexation to decide.

(HOUSE BILL NO. 191. APPROVED JUNE 27, 1913.)

AN ACT to amend sections 1 and 2 of an Act entitled, "An Act to provide for the annexation of cities, incorporated towns and villages, or parts of the same, to cities, incorporated towns and villages," approved and in force April 25, 1889, as amended by an Act entitled, "An Act to amend sections 1 and 2 of an Act entitled, 'An Act to provide for the annexation of cities, incorporated towns and villages, or parts of the same, to cities, incorporated towns and villages,' approved and in force April 25, 1889," approved June 5, 1911, in force July 1, 1911.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections 1 and 2 of an Act entitled, "An Act to provide for the annexation of cities, incorporated towns and villages, or parts of the same, to cities, incorporated towns and villages," approved and in force April 25, 1889, as amended by an Act entitled, "An Act to amend sections 1 and 2 of an Act entitled, 'An Act to provide for the annexation of cities, incorporated towns and villages, or parts of the same, to cities, incorporated towns and villages,' approved and in force April 25, 1889," approved June 5, 1911, in force July 1, 1911, be amended so that the same shall read as follows:

§ 1. That where a city, village or incorporated town adjoins another city, village or incorporated town in one or more portions of its boundaries, it may be annexed thereto in the manner following, notwithstanding that there may lie between and be surrounded by such cities, villages or incorporated towns territory not a part of either of such cities, villages or incorporated towns:

A petition shall be presented to the judge of the county court of the county wherein such city, village or incorporated town to which such annexation is sought is situated, asking that the question of annexation be submitted to the legal voters of the city, village or incorporated town sought to be annexed, and to the legal voters of the city, village or incorporated town to which it is sought to annex the same. Such petition shall be signed by not less than two hundred and fifty (250) of the legal voters of the city, village or incorporated town sought to be annexed, unless the votes cast in said city, village or incorporated town at the last preceding general election numbered less than five hundred (500), in which case the petition shall be signed by one-third (1-3) of the legal voters of such city, village or incorporated town; and thereupon said county judge shall cause to be submitted the question of annexation to the voters of the city, village or incorporated town sought to be annexed, and to the voters of the city, village or incorporated town to which it is sought to annex the same, at an election to be holden in each of said

cities, villages or incorporated towns. Such question shall be submitted at a regular annual municipal election in the municipalities to be affected; but no election on such question shall be held within two (2) years after the same has been voted on at any election held before or after the passage of this Act: *Provided*, that no election heretofore or hereafter held for such purpose shall be annulled or set aside for informalities or irregularities in the ballot or in the calling or conduct of such election, where it appears, or shall appear, that a majority of the votes cast in each of said municipalities upon such question of annexation were, or shall be, for such annexation. Notice of the election hereby required shall be given by causing notice thereof to be published in at least one newspaper published in said county within which said city, village or incorporated town may be to which territory is sought to be annexed at least sixty (60) days before such election, by the clerk of the county court. The ballots cast at such election to be written or printed, or partly written and partly printed, "For annexation of" (here name the city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought), or, "Against annexation of" (here name city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought), respectively, or in such other form and manner as is now or may be hereafter provided by law for the submission of constitutional amendments or other public measures to be received, canvassed and returned the same as ballots for municipal officers of such cities, villages or incorporated towns; and the officers who are charged by law with the duty of canvassing such votes shall file or cause to be filed with the clerk of the county court of such county a certificate of the result of such canvass immediately upon ascertaining the result thereof; and if it shall appear that in each of such cities, villages or incorporated towns, a majority of the voters who shall vote upon the question of annexation at such election vote for annexation, thereupon the jurisdiction of the city, village or incorporated town to which such other city, village or incorporated town is annexed shall extend over said territory; but if it shall appear that a majority of the voters who shall vote upon the question of annexation of any city, village or incorporated town of which they are voters, vote against the annexation of such municipality when such question is first submitted, any petition thereafter presented to the judge of the county court for the annexation of such municipality shall be signed by not less than one-eighth (1-8) of the legal voters of the city, village or incorporated town which is sought to be annexed to an adjoining city, village or incorporated town.

§ 2. When the inhabitants of any territory not less than one-half (1-2) square mile in extent and less than the whole of a city, village or incorporated town, and which territory shall be contiguous to and adjoin the territory of another city, village or incorporated town, desire to be annexed to such other city, village or incorporated town, such annexation may be effected as follows:

A petition shall be presented to the judge of the county court wherein such city, village or incorporated town is situated to which annexation

is desired, signed by not less than one hundred (100) of the legal voters of the territory sought to be annexed, asking that the question of annexation of the territory described in the petition may be submitted to the legal voters of the city, village or incorporated town from which said territory is to be taken, and to the legal voters of the city, village or incorporated town to which it is sought to annex the same, and to the legal voters of the territory sought to be disconnected from one city, village or incorporated town and annexed to the other city, village or incorporated town. Such territory shall be described in said petition, and thereupon said county judge shall cause to be submitted the question of annexation of such territory to the voters of the city, village or incorporated town from which it is sought to disconnect territory, and to the voters of the city, village or incorporated town to which it is sought to annex the same, and to the legal voters of the territory sought to be disconnected from one city, village or incorporated town and annexed to the other city, village or incorporated town, at an election to be holden in each of said cities, villages or incorporated towns. Such question shall be submitted at a regular annual municipal election in the municipalities to be affected; but no election for the annexation of such territory to such municipality shall be held within two (2) years after a proposition to annex such part of any city, village or incorporated town has been voted upon at any election held before or after the passage of this Act. And no election for the annexation of any part of a city, village or incorporated town to another municipality shall be held within two (2) years after the proposition to annex the whole of such city, village or incorporated town, or any part thereof, to such municipality has been voted upon at any election held before or after the passage of this Act. Notice of the election hereby required shall be given by causing notice thereof to be published in at least one newspaper published in said county within which said city, village or incorporated town may be to which territory is sought to be annexed, at least sixty (60) days before such election, by the clerk of the county court. The ballots cast at such election to be written or printed, or partly written and partly printed, "For annexation of" (here describe territory of city, village or incorporated town to be annexed) "to" (here give the name of city, village or incorporated town to which annexation is sought), or, "Against annexation of" (here describe territory of city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought), respectively, or in such other manner as is or may be hereafter provided in such cases or in the case of public measures by the general election laws of the State of Illinois applicable to said cities, villages or incorporated towns; said ballots to be received, canvassed and returned the same as ballots for municipal officers of said cities, villages or incorporated towns, and the officers who are charged by law with the duty of receiving such votes shall ascertain the exact residence of each voter voting at such election, either from the books of registration or from the oath or affirmation of such voter; and in election precincts which are intersected by the boundaries of the territory sought to be annexed, the judges of election shall procure an additional ballot box, in which shall be deposited only the ballots of voters residing

within the limits of the territory so sought to be annexed, and shall make a separate return of the ballots cast in such additional ballot box; and the officers who are charged by law with the duty of canvassing the returns of such election shall file or cause to be filed with the clerk of the county court of such county a certificate of such canvass immediately upon ascertaining the result thereof, in which certificate such officers shall state, as well as the results of the entire vote in each of the cities, villages or incorporated towns as canvassed by them, the number of votes cast by the voters residing within the limits of the territory so sought to be annexed, and the number of votes for and the number against the question so submitted, as cast by such voters; and if it shall appear that the majority of the voters who shall vote upon the question of annexation of each city, village or incorporated town, as well as the majority of the voters who shall vote upon the question of annexation at such election, residing within the limits of the territory sought to be annexed, vote for annexation, thereupon the jurisdiction of the city, village or incorporated town shall extend over such territory so annexed; but if it shall appear that a majority of the voters who shall vote upon the question of annexation at such election, of any territory less than the whole of a city, village or incorporated town, when such question is submitted, vote against annexation at such election, any petition thereafter presented to the judge of the county court for the annexation of the same territory shall be signed by not less than one-eighth (1-8) of the legal voters of the territory which is sought to be annexed under such subsequent petition.

APPROVED June 27, 1913.

CHICAGO—ALDERMEN, CITY CLERK AND CITY TREASURER, TERMS OF OFFICE.

§ 1. Adds part four to article 12, Act of 1872.

§ 1. Aldermen, city clerk and city treasurer to hold office until expiration of respective terms.

§ 2. Time of election and terms of office.

§ 3. Adoption of Act—proceedings—form of ballot.

(HOUSE BILL NO. 412. APPROVED JUNE 27, 1913.)

AN ACT to amend article XII of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, as amended by subsequent Acts and as amended by an Act approved May 18, 1905, and in force July 1, 1905.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That article XII of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, as amended by subsequent Acts and as amended by an Act approved May 18, 1905, and in force July 1, 1905, be and the same is hereby amended by adding to said article XII a part to be known as "Part Four" in the words and figures following: :

PART FOUR.

§ 1. All aldermen, the city clerk and the city treasurer elected to or holding office when this Act takes effect shall continue to hold office until the expiration of their respective terms, in accordance with the laws now in force.

§ 2. Every ward in said city, after the adoption of this Act, shall continue to be represented by two aldermen, who shall be elected and hold office as hereinafter provided. At the next municipal election following the adoption of this Act, and at the municipal election in the year next following such election there shall be elected one alderman from each ward to take the place of the alderman from such ward whose term of office shall expire in each such respective year, who shall each hold office for a term of four years and until their respective successors shall have been elected and qualified. At the municipal election in the year 1915, and every four years thereafter, there shall be elected one city clerk and one city treasurer, who shall hold office for a term of four years, and until their respective successors are elected and qualified.

§ 3. This Act shall not be in force in the city of Chicago until the question of its adoption shall first have been submitted to the electors of such city and approved by a majority of those voting thereon. The city council of the city of Chicago may, by ordinance, direct that the question of the adoption of this Act by the city of Chicago be submitted to popular vote at any general city or special election in and for the entire city and coming not sooner than thirty (30) days from and after the passage of such ordinance. The city clerk of the city of Chicago shall thereupon certify the passage of such ordinance to the proper election officials and it shall then be the duty of such election officials to submit the question of the adoption of this Act to popular vote. The city clerk shall give at least thirty (30) days' notice of such election by publishing a notice thereof in one or more newspapers of general circulation within such city. The ballots to be used at such election shall be in the following form:

For the adoption of an Act to amend article XII of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, as amended by subsequent Acts and as amended by an Act approved May 18, 1905, and in force July 1, 1905.	Yes	
	No	

If a majority of those electors voting thereon shall vote for the adoption of this Act it shall thereby and thereupon be adopted and be in force in the city of Chicago.

APPROVED June 27, 1913.

COLISEUMS, PUBLIC—ESTABLISHMENT AND MAINTENANCE IN
MUNICIPALITIES UNDER 500,000.

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| <p>§ 1. Power and authority to levy tax of three mills for establishment and one mill annually for maintenance—fund.</p> <p>§ 2. Petition—notice of election—submission of proposition.</p> <p>§ 3. Tax levies authorized—use of real estate.</p> <p>§ 4. Board of directors.</p> | <p>§ 5. Organization of board—officers—rules and regulations—powers and duties—moneys, how drawn.</p> <p>§ 6. Borrowing money and issuing bonds—sinking fund.</p> <p>§ 7. Report of receipts and expenditures—certification of appropriations and tax levy.</p> <p>§ 8. Use of coliseum.</p> <p>§ 9. Acquisition of site—eminent domain.</p> |
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(HOUSE BILL NO. 350. APPROVED JUNE 27, 1913.)

AN ACT to enable cities and villages having a population not to exceed five hundred thousand (500,000), to establish and maintain public and municipal coliseums.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That cities and villages of this State having a population not to exceed five hundred thousand (500,000), shall have and are hereby given and granted power and authority in the manner hereinafter provided, to establish and to maintain public and municipal coliseums to be used for general educational and amusement purposes for the benefit of the inhabitants of such cities or villages, and the city councils of such cities, and the boards of trustees of such villages, for the purpose aforesaid, shall have the power and authority to levy a tax not to exceed three mills on the dollar, for the establishment of such coliseums, and thereafter annually levy a tax not to exceed one mill on the dollar, for the maintenance thereof, such taxes to be levied and collected in like manner as other taxes of such cities and villages are levied and collected for municipal purposes. Such tax when collected shall be turned over and paid to the treasurer of such city or village and shall be designated and known as "Municipal Coliseum Fund," and such tax shall be in addition to all other taxes which such city or village now is or hereafter may be authorized to levy and collect.

§ 2. Whenever one hundred or more legal voters of any such city or village shall present a petition in writing to the city council or board of trustees, as the case may be, asking that an annual tax be levied for the establishment and maintenance of such a public municipal coliseum in such city or village, the city council or board of trustees, as the case may be, shall instruct the city or village clerk, and such city or village clerk shall in the next notice of the regular annual election of such city or village, give notice that at such election, every elector may vote "For the levy of a tax for a public municipal coliseum," or "Against the levy of a tax for a public municipal coliseum." The election officials shall submit such proposition to the voters at such election in the manner provided by law.

§ 3. If the majority of all the votes at such election is "For the levy of a tax for a public municipal coliseum," the city council of such city or the board of trustees of such village shall in the next annual tax levy include a tax not to exceed three mills on the dollar for the estab-

lishment of such a municipal coliseum in such city or village, and thereafter may annually levy a tax not to exceed one mill on the dollar for the maintenance thereof. The city council of any such city, or the board of trustees of any such village, may when the same is not necessary for any other municipal purpose, authorize the use of any real estate owned by such city or village for such public municipal coliseum.

§ 4. When any such city or village as hereinbefore provided shall decide to establish and maintain a public municipal coliseum, the mayor of such city or the president of the board of trustees of such village, shall by and with the approval and consent of the city council or the board of trustees, as the case may be, appoint a board of three directors, from the citizens at large of said city or village, none of whom shall hold any other office with the government of such city or village, and all of whom shall be chosen with reference to their special fitness for such office. Said directors shall hold office one for one year, one for two years, and the third for three years from and after the first day of July following their appointment, and at their first regular meeting after such appointment shall cast lots for the respective terms. Annually thereafter the mayor or president of the board of trustees, as the case may be, shall before the first of July of each year, appoint as before one director to take the place of the retiring director, and subsequent appointees shall hold office for a period of three years, and all shall hold office until their respective successors are appointed. The mayor or president of the board of trustees, as the case may be, by and with the approval and consent of the city council or board of trustees, may remove any such director for misconduct in office or neglect of duty. Vacancies in the board of directors, whether occasioned by removal, resignation or for other cause, shall be reported to the mayor and city council or president and board of trustees, as the case may be, and shall be filed [filled] in like manner as original appointments. No director shall at any time, either directly or indirectly, be interested in any contract with said board or in the purchase or sale of any supplies or materials used in the building or maintenance of such public municipal coliseum, and no director shall receive compensation for his services as such director.

§ 5. Said directors shall immediately after their appointment meet and organize by the election of one of their members as president and one as secretary. Such president and secretary shall have the duties usually performed by such officers of similar boards. After organization said board of directors shall make and adopt such by-laws, rules and regulations for their own guidance, for the transaction of the business of said board, and for the management of said public municipal coliseum as they may deem expedient and not inconsistent with the terms of this Act. Subject to the approval of the city council or board of trustees, as the case may be, said board of directors shall have the power to build, erect, construct and equip a public municipal coliseum for the uses herein designated, and to purchase or lease such real estate, and perform all such acts as may be reasonably necessary to accomplish such purpose. Said board shall have exclusive care, custody and management of said public municipal coliseum after it is constructed, and the exclusive con-

trol of the expenditure of all moneys collected to the credit of the public municipal coliseum fund. No moneys shall be drawn by said board from said treasurer, except upon order of said board, and upon checks or vouchers drawn upon said treasurer and signed by the president and secretary of said board.

§ 6. Subject to the approval of the city council or board of trustees, as the case may be, said board of directors of such public municipal coliseum, shall for the purpose of assisting in establishing such coliseum, have the power to borrow money on the public coliseum property, and to issue bonds secured by mortgage or deed of trust on said property, said bonds to mature on or before thirty (30) years from the date of their issuance, and to draw interest at a rate of not to exceed 5 per cent (5%) per annum, payable semi-annually, and to negotiate and sell said bonds at not less than par and accrued interest. Such bonds and all interest coupons attached thereto may be executed by such board, and the mortgage or deed of trust securing the same shall be executed by the city or village, as the case may be, through its proper officers. All proceeds arising from such bonds shall be paid to the city or village treasurer, as the case may be, and by him deposited to the credit of the public municipal coliseum fund, and the same shall be used only for the establishment of such public municipal coliseum. Out of the annual tax levy said board of directors shall provide a sinking fund for the retirement of all such bonds when they become due.

§ 7. Said board of directors of such public municipal coliseum shall make a full report of receipts and expenditures to the city council of the city or board of trustees of the village, as the case may be, annually on or before July first of each year, and shall annually, prior to the passage of the annual appropriation bill and tax levy ordinance or ordinances by such city council or board of trustees, report and certify to said city council or board of trustees the amount of moneys appropriated by them for the ensuing year, and the items thereof, and the amount of money necessary to be raised by taxation for the maintenance of such public municipal coliseum.

§ 8. Every such public municipal coliseum established under the terms hereof shall be for the free use and benefit of the inhabitants of the city or village wherein the same is established, for lectures, concerts, public assemblies, and all other general educational purposes, and for the purpose of maintaining free amusements and entertainments. All such uses shall be subject to such reasonable rules and regulations as the board of directors may adopt in order to render the use of said property of the greatest benefit to the greatest number. The said board of directors shall have the power to temporarily lease said building when not in use for public purposes, for any reasonable and legitimate private use, on such terms as they may from time to time prescribe, and when so temporarily leased, an admission fee may be charged by the private parties or persons leasing the same. All moneys received from such temporary rentals shall be paid to the city or village treasurer, as the case may be, and by him deposited to the credit of said public municipal coliseum fund.

§ 9. Said board of directors shall, by and with the approval of the city council of such city or board of trustees of such village, as the case may be, have the power to acquire a site for such public municipal coliseum by condemnation in the name of such city or village. Any proceeding to condemn for this purpose shall be maintained and conducted in the manner provided by "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872, in force July 1, 1872, and all Acts amendatory thereof.

APPROVED June 27, 1913.

FIRE AND POLICE COMMISSIONERS—TRIAL BOARD.

§ 1. Amends section 12, Act of 1903.

§ 12. As amended, provides for trial board to consist of county, probate and circuit judges—also changes provision concerning suspensions.

(HOUSE BILL NO. 252. APPROVED JUNE 26, 1913.)

AN ACT to amend section twelve of an Act entitled, "An Act to provide for the appointment of a board of fire and police commissioners in all cities of this State having a population of not less than seven thousand nor more than one hundred thousand and prescribing the powers and duties of such board," approved and in force April 2, 1903.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section twelve of an Act entitled, "An Act to provide for the appointment of a board of fire and police commissioners in all cities of this State having a population of not less than seven thousand nor more than one hundred thousand and prescribing the powers and duties of such board," approved and in force April 2, 1903, be and the same is hereby amended so as to read as follows:

§ 12. No officer or member of the fire or police department of any such city who shall have been such for more than one year prior to the passage of this Act, or who shall have been appointed under the rules and examination provided for by this Act, shall be removed or discharged except for good and sufficient cause which renders his retention harmful to the efficiency of the fire and police department, upon written charges and after an opportunity to be heard in his own defense. Such charges shall be prepared by the said board of fire and police commissioners who shall present the same, together with the evidence in support thereof, to a trial board consisting of: (1) The person holding the office of county judge in and for the county in which said city is situated; (2) The person holding the office of circuit judge in the judicial circuit containing the said city; (3) a third person who shall be the person hold-

ing the office of probate judge in the county in which said city is located, or in event there is no probate judge in said county, then the county clerk of said county. The findings and decision of said trial board shall be final and certified by said trial board to the board of fire and police commissioners, and if the said charges are sustained the said fire and police commissioners shall forthwith remove said officer. In any proceeding provided for in this section said trial board and the members thereof shall have power to administer oaths and to compel by subpoena the attendance and testimony of witnesses and the production of books and papers. Any officer or member of the fire or police department heretofore mentioned, may be suspended not exceeding ninety (90) days without pay for cause upon written charges and after an opportunity to be heard in his own defense by a trial board consisting of the board of fire and police commissioners. Said board of fire and police commissioners may suspend any officer pending such investigation, or for the good of the service of said fire and police department, but not to exceed ten (10) days at any one time without written charges. In the conducting of such investigation each member of such trial board shall have power to administer oaths and affirmations, and the said board shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

APPROVED June 26, 1913.

FIRE DEPARTMENTS—HOURS OF EMPLOYEES.

§ 1. Limitation of ten consecutive hours in day time and fourteen consecutive hours during night time—equal number of hours per month—emergency.

§ 2. Adoption of Act—petition—separate ballot—form—majority voting thereon.

(SENATE BILL NO. 207. APPROVED JUNE 26, 1913.)

AN ACT *to regulate the hours of labor of employees in the fire department in cities and villages.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities and villages which shall adopt this Act as herein provided for, no employee of the fire department shall be compelled to be on duty more than ten consecutive hours during the day time, nor more than fourteen consecutive hours during the night time.

The head or chief officer of such department shall so arrange the working hours of the employees of such department so that each employee shall work, as near as may be, an equal number of hours per month: *Provided, however,* that the head or chief officer of such department, his aids or assistants, may, in their discretion, in cases of great emergency

or necessity, require such employees to continue at their work or duties until, in the judgment of such head or chief of the department, his aids or assistants, the work or services of such employees is no longer required.

§ 2. The electors of any city or village may adopt the provisions of this Act in the following manner: Whenever the legal voters in any city or village equal in number to five (5) per cent of the legal votes cast at the last preceding general city or village election shall petition the city or village clerk, or the officer or officers whose duty it is to prepare the ballots, to submit the proposition as to whether such city or village shall adopt the provisions of this Act, then it shall be the duty of such officer or officers to submit such proposition accordingly at the next succeeding regular election, and if such proposition be not adopted at such election the same may, in like manner, be submitted at any regular election thereafter.

The proposition so to be voted for shall be prepared and provided for in a separate and distinct ballot and in substantially the following form:

For the adoption of the provisions of an Act to regulate working hours of employees in the fire department.	Yes	
	No	

If a majority of those electors in said city or village voting thereon shall vote for the adoption of this Act, it shall thereby and thereupon be adopted by and be in force in such city or village.

APPROVED June 26, 1913.

HARBOR STRUCTURES, FACILITIES, ETC.—POWERS ENLARGED.

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| <p>* § 1. Power and authority of city and village relative to harbors, structures, facilities, elevators, warehouses, terminals, etc.</p> <p>§ 2. River frontage—connection of harbor, etc., with railroads.</p> <p>§ 3. Lease of utilities—rates and charges—provisos.</p> <p>§ 4. Eminent domain—State lands.</p> <p>§ 5. Use and reclamation of submerged lands under public water—consent of city council.</p> <p>§ 6. Use of artificially made or reclaimed lands of State—recovery of possession.</p> <p>§ 7. Approaches and connections—recovery of possession of artificially made or reclaimed land.</p> <p>§ 8. Rights of park commissioners.</p> | <p>§ 9. Construction or operation of utilities by other municipal corporations.</p> <p>§ 10. Purchase of utilities by city or village.</p> <p>§ 11. Ordinance for lease of utilities—petition—referendum—copy of lease.</p> <p>§ 12. Acquisition of land, rights and property by division of land—decree.</p> <p>§ 13. Suit to establish boundary line—notice—hearing—decree—grant of State land—accretions.</p> <p>§ 14. Roadways or approaches across drives, boulevards, lands, etc.</p> <p>§ 15. State land used for public purposes—accretions.</p> <p>§ 16. Dock and harbor lines.</p> <p>§ 17. Separate books of account—report printed and examination annually.</p> |
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HARBOR STRUCTURES, FACILITIES, ETC.—POWERS ENLARGED—*Concluded.*

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| <p>§ 18. Definition.</p> <p>§ 19. Location of utilities and dumping waste restricted.</p> <p>§ 20. Invalid parts of Act.</p> | <p>§ 21. Repeal of laws conferring police and other powers, etc.—park Act of 1912 excepted.</p> <p>§ 22. Repeals Act of 1911.</p> |
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(SENATE BILL NO. 15. APPROVED JUNE 23, 1913.)

AN ACT to enlarge the power of cities and villages in relation to harbors, canals, slips, wharves, docks, levees, piers, quay walls, breakwaters and all harbor structures, facilities, connections, improvements and utilities constructed or operated in connection therewith and for the purpose of carrying out such power to authorize the acquisition and condemnation of property and to authorize the use, occupation, recovery and acquisition of artificially made or reclaimed lands of the State and the reclamation and acquisition of the submerged lands of the State, and to repeal an Act entitled, "An Act to enlarge the power of cities in relation to harbors, canals, wharves, docks, piers, slips and other harbor structures, facilities, improvements and utilities constructed or operated in connection therewith, to authorize the acquisition and condemnation of property and the use, occupation, reclamation and acquisition of the submerged lands of the State in carrying out such power, and to repeal all Acts or parts of Acts in conflict therewith," approved June 10, 1911, and to repeal all other Acts or parts of Acts in conflict therewith.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every city and village in this State shall have the right, power and authority, and such right, power and authority are hereby granted to acquire, own, construct, maintain and operate anywhere within the jurisdiction or limits of the city or village, or in, over and upon any public waters bordering thereon, harbors, canals, slips, wharves, docks, levees, piers, quay walls, breakwaters and all appropriate harbor structures, facilities, connections and improvements, and in connection therewith to acquire, own, construct, maintain and operate such elevators, vaults and warehouses (including cold storage warehouses), as may be necessary adjuncts or incidental to transportation and railroad terminals, and to acquire, own, construct, maintain and operate all other necessary or appropriate terminal facilities.

§ 2. Every such city or village having only a river water frontage, shall have the right, power and authority, and such right, power and authority are hereby granted to acquire, own, construct, maintain and operate any and all railroad terminal facilities, tracks and connections, necessary or appropriate to connect any such harbor or other utility, enumerated in section one of this Act, with any railroad or railroads entering such city or village, including interurban railroads.

§ 3. Every such city and village shall have the power to lease portions of any of the utilities mentioned in section one of this Act, for a period not longer than twenty (20) years on such terms and conditions

as shall be prescribed by ordinance, and to fix and regulate the rates and charges for the use of such utilities, whether owned and operated by such city or village, or are operated by persons or corporations who are tenants of such city or village or are constructed, owned and operated by any public or municipal corporation as hereinafter provided: *Provided, however*, that except as to railroad facilities at least one-third of the capacity of each such utility shall not be leased for a period to exceed one year and that at least one-half of said one-third shall at all times be reserved by such city or village for general public use, and that not to exceed fifty per cent in capacity of the remaining two-thirds capacity of each such utility shall be leased to any one person or corporation: *Provided, further, however*, that no leases authorized under this Act shall contain conditions which shall admit of any unjust, undue or unreasonable preference or discrimination between lessees.

§ 4. Every such city and village for the purpose of carrying out the powers herein granted shall have the power to acquire, by purchase, unconditioned gift, or condemnation, any and all property necessary or appropriate for any of the purposes in this Act enumerated, and in all cases where property is acquired or sought to be acquired by condemnation, the procedure shall be, as nearly as may be, like that provided for in an Act entitled, "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872, in force July 1, 1872, and all the amendments thereto now in force or which may be hereafter enacted. Nothing in this section contained shall limit or restrict the power of any city or village to acquire by grant from the State submerged lands or artificially made or reclaimed lands as in this Act provided.

§ 5. Every such city and village shall also have the right, power and authority, and such right, power and authority are hereby granted to use, occupy or reclaim all such submerged lands under the public waters of the State within the limits or jurisdiction of, or bordering on such city or village, as may be necessary or appropriate for any of the purposes in this Act enumerated, and the right, power and authority herein granted to cities and villages to use, occupy or reclaim such submerged lands, shall be superior to and shall take precedence over any similar right, power or authority heretofore granted to any person or corporation, private, public or municipal (other than a city or village), in so far as such right has not been exercised, at the time when such city or village by ordinance, as to lands therein particularly described, shall elect or determine to exercise such right, power or authority, and no person or private corporation shall at any time hereafter construct any harbor, canal, slip, wharf, dock, levee, pier, quay wall, breakwater or other harbor structure, facility, connection or improvement, and no corporation, public or municipal (other than a city or village), except as in this Act or under the terms of any other law of this State may be provided, shall hereafter construct a harbor, canal, slip, wharf, dock, levee, pier, quay wall, breakwater or other harbor structure, facility, connection or improvement over or upon such submerged lands within the

limits or jurisdiction of any such city or village, or over or upon any public waters bordering thereon, without first securing the consent of the city council of such city or village.

§ 6. Every such city and village shall also have the right, power and authority, and such right, power and authority are hereby granted, to take possession of, use and occupy any and all artificially made or reclaimed lands (which before the artificial making or reclamation thereof constituted a portion of the submerged lands under the public waters of the State of Illinois) within the limits or jurisdiction of, or bordering on such city or village, the title to which artificially made or reclaimed lands is in the State of Illinois, when and in so far as said lands shall be declared by ordinance of such city or village particularly describing said lands to be necessary or appropriate for any of the purposes in this Act enumerated; and every such city and village shall have the right, power and authority to bring and maintain all necessary suits, actions or proceedings, in its corporate name, against any person or corporation, private, public or municipal, for the recovery of the possession of such artificially made or reclaimed lands, which lands, when so acquired, shall be held, used and occupied by such city or village subject to the conditions in this Act provided.

§ 7. Every such city and village shall also have the right, power and authority, and such right, power and authority are hereby granted, to take possession of, use and occupy any and all artificially made or reclaimed lands (which before the artificial [making] or reclamation thereof constituted a portion of the submerged lands under the public waters of the State of Illinois) within the limits of [or] jurisdiction of, or bordering on such city or village, the title to which artificially made or reclaimed lands is in the State of Illinois, when and in so far as said lands shall be declared by ordinance of such city or village particularly describing said lands to be necessary or appropriate as and for approaches to or connections with any harbor or harbor utility or appurtenance in this Act authorized, and to establish, widen, extend, grade, pave and otherwise improve such approaches or connections over and upon such artificially made or reclaimed lands and to vacate the same or any part thereof, and every such city or village shall have the right, power and authority to bring and maintain all necessary suits, actions or proceedings, in its corporate name, against any person or corporation, private, public or municipal, for the recovery of the possession of such artificially made or reclaimed lands, which lands, when so acquired, shall be held, used and occupied by such city or village subject to the conditions in this Act provided.

§ 8. Nothing in the three preceding sections contained shall be held to or shall impair the right of any board of park commissioners having jurisdiction over two or more parks bordering on public waters or any shore owner under any contract entered into between such board of park commissioners and such shore owner, where such board of park commissioners has taken any step or steps or begun any proceedings prior to March 1, 1913, to connect by a boulevard, driveway or parkway two

or more parks under its jurisdiction and bordering on such public waters, but nothing in this section contained shall be construed to or shall in any wise affect the validity of any of the said three preceding sections.

§ 9. Every such city and village may by ordinance authorize any public or municipal corporation (other than a city or village), authorized by law to construct or operate any one or more of the utilities enumerated in section one of this Act, to construct and operate within the limits or jurisdiction of, or bordering on such city or village, any one or more of such utilities on such terms and conditions as such city or village in any such ordinance may determine and on such terms and conditions as may be provided by law.

§ 10. Whenever any public or municipal corporation shall have constructed under authority of this Act or any other law of the State any of the utilities mentioned in section one of this Act, within the limits or jurisdiction of any city or village, or in, over or upon any public waters bordering thereon, such city or village shall have the right, power and authority to purchase the same on such terms and conditions as may be provided by law, and in case no terms and conditions are provided by law, then on such terms and conditions as may be agreed upon by such city or village and such public or municipal corporation.

§ 11. No ordinance of any such city or village providing for the leasing of any portion of any harbor, wharf, dock, pier, quay wall, slip, levee, connection or other harbor utility acquired or constructed under the provisions of this Act (and authorized by this Act to be leased), for any period in excess of five years, shall go into effect until ninety days after the passage thereof, and if within such ninety days a petition shall be filed in the office of the city or village clerk of such city or village, signed by five per cent (5%) of the registered voters of such city or village as shown by the last preceding general election held in such city or village, requesting that such ordinance be submitted to popular vote, it shall be the duty of said city or village clerk within three days after the filing in his office of such petition, to file the same, together with a copy of the ordinance, certified by said city or village clerk to be a true copy thereof, in the office of the officer or officers having jurisdiction over elections in such city or village, and it shall thereupon be the duty of such election officer or officers to submit to the electors of such city or village, in the same manner as is provided by section two of an Act entitled, "An Act providing for an expression of opinion by electors on questions of public policy at any general or special election," approved May 11, 1901, at the first succeeding general or special election occurring more than ninety days thereafter or at a special election called by the city council of such city or village for that purpose in the manner provided by Article IV of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, the question of whether or not such ordinance shall be approved and such ordinance shall not go into effect until it shall have been approved by a majority of the electors voting thereon at such general or special election: *Provided, however*, that each ordinance providing for such leasing shall have a true copy of such proposed lease thereto attached.

§ 12. Every such city and village may also acquire the lands, whether of natural or artificial formation, property and property rights, including riparian rights, of any owner or claimant, whether a person or corporation, private, public or municipal (other than a city or village), on the shores of public waters in, upon or near which it is proposed to construct any harbor or utility authorized by this Act, and also the title of any such owner or claimant, to the lands lying beneath, adjacent to or adjoining such public waters, without other compensation, by agreeing with any such owner or claimant, upon a boundary line dividing the lands (whether of natural or artificial formation), to be acquired by such city or village and the adjacent, adjoining or submerged or other lands (whether of natural or artificial formation) to be taken and acquired by such owner or claimant. The rights and property to be taken and acquired, respectively, by any such city or village and by any such owner or claimant, shall be specifically described and set forth in the decree to be entered by the court as in this Act provided.

§ 13. Whenever any such city or village and such owner or claimant shall have agreed upon a boundary line as aforesaid, such city or village shall file a suit in chancery in the circuit court of the county in which said lands are situated, praying that such boundary line be established and confirmed by the decree of said court. All persons interested as owners or otherwise in said lands, as appearing of record, if known, or if not known, stating that fact, shall be made defendants in said suit. Persons interested, whose names are unknown, may be made parties defendant by the description of the unknown owners; but in all cases an affidavit shall be filed by or on behalf of such city or village, setting forth that the names of such persons are unknown; such city or village shall also give public notice of the filing of each such suit by publication thereof once a week for four consecutive weeks, in a newspaper of general circulation regularly published in said city or village, in which said lands are situated, which notice shall contain the title of the suit and the terms of court at which it is made returnable, the last of which notices shall be published not less than ten (10) days or more than twenty (20) days before the first day of the term of court at which said suit is returnable. If there be no newspaper of general circulation published in said city or village, then such publication shall be in the nearest newspaper of general circulation published in the county in which such city or village is located, and if there is no newspaper of general circulation published in said county, then such publication shall be in the nearest newspaper of general circulation published in the State. The defendants who do not enter their appearance shall be served with process in the suit or suits so instituted in the same manner as in suits in chancery, and the proceedings in said cause shall be conducted in the same manner as other suits in chancery. If upon a hearing the court shall find that the rights and interests of the public have been duly conserved in and by such agreement, then the court shall confirm said agreement and establish such boundary line; otherwise the court shall, in its discretion, dismiss such suit. If the boundary line agreed upon shall be

so established and confirmed by the decree of said court, it shall thereafter be the permanent dividing and boundary line of said lands, and shall not be affected or changed thereafter, either by accretions or erosions.

The establishment of such boundary line as aforesaid shall operate as a conveyance and release to such city or village of all the right, title and interest of such owner or owners to any and all lands, property and property rights, including riparian rights, lying upon the outer or water side of said boundary line when so established. Such city or village is hereby granted by the State of Illinois the title to any and all lands, property and property rights, including riparian rights, lying upon the outer or water side of said boundary line when so established. Such owner or owners of said shore lands are hereby granted by the State of Illinois the title to the adjacent, adjoining or submerged or other lands, whether of natural or artificial formation, as specifically and particularly described in said decree, lying upon the inner or land side of said boundary line when so established, and such owner or owners shall have the right to fill in, improve, protect and use, sell and convey said submerged or other lands lying upon the inner or land side of said boundary line free from any adverse claim in any way arising out of any question as to where the shore line was at any time in the past, or as to the title to any existing accretions.

§ 14. Every such city or village shall also have the right, power and authority, and the right, power and authority are hereby granted, to cross by roadways or other appropriate approaches, the ways, drives, boulevards, beaches, wharves, docks, levees, piers, breakwaters, retaining walls, lands and submerged lands, or any of them, of any municipal corporation (other than a city or village), whenever any such crossing shall by ordinance of such city or village be declared to be necessary, appropriate, convenient, useful, desirable or advantageous to harbor development and use or the development and use of any of the utilities mentioned in this Act.

§ 15. Any artificially made, reclaimed or submerged lands of the State of Illinois which shall be acquired by any such city or village under the provisions of this Act, shall be held, used and occupied only for a public purpose, and if any such city or village shall at any time grant, bargain and sell such artificially made, reclaimed or submerged lands or any part thereof, the same shall thereupon revert to the State of Illinois.

Any accretions or artificially made or reclaimed lands which may be formed or added to any harbor utility constructed by any public or municipal corporation (other than a city or village), under the provisions of this Act, shall not become the property of such public or municipal corporation, but such accretions or artificially made or reclaimed lands shall revert to and become the property of such city or village for the purposes of this Act, subject to such disposition as the city council of such city or village shall direct, but limited, however, by the provisions of this section.

§ 16. Every city and village in this State shall have the right, power and authority, and the right, power and authority are hereby granted,

to locate and establish dock lines and harbor lines in the public waters or rivers within the limits or jurisdiction of, or bordering on such city or village.

§ 17. Every such city and village owning and operating or owning and leasing any portion of any of the utilities mentioned in section one of this Act shall keep the books of account for such utilities separate and distinct from other city or village accounts and in such manner as to show the true and complete financial standing and results of such city or village ownership and operation and of such city or village ownership and leasing as the case may be. Such accounts shall be so kept as to show the actual cost to such city or village of such utilities owned; all costs of maintenance, extension and improvement; all operating expenses of every description, in case of such city or village operation, whether in whole or of a part of such utilities; if water or other service shall be furnished for the use of such utilities without charge, the accounts shall show, as nearly as possible, the value of such service, and also the value of any service, if any, rendered by such utilities to any other city or village department without charge; such accounts shall also show reasonable allowances for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such utilities if owned by a private corporation. The city council of such city or village shall cause to be printed annually for public distribution, a report showing the financial standing and results, in form as aforesaid of such city or village ownership and operation, or of such city or village ownership and leasing. The accounts of such utilities, kept as aforesaid, shall be examined at least once a year by an expert accountant, who shall report to the city council the results of his examination. Such expert accountant shall be selected in such manner as the city council may direct, and he shall receive for his services such compensation to be paid out of the income or revenues from such utilities, as the city council may prescribe.

§ 18. The term "utility," as used in this Act, shall mean and embrace every harbor, canal, slip, wharf, dock, levee, pier, quay wall, breakwater or harbor structure, facility, connection or improvement, and every elevator, vault, warehouse or cold storage warehouse, acquired, owned, maintained or operated in connection therewith, and every necessary or appropriate adjunct to transportation, including railroad terminals and terminal facilities as authorized to be used by this Act.

The term "artificially made or reclaimed lands," as used in this Act, shall be held to include all lands formerly submerged under the public waters of the State, the title to which lands is in the State and which have been artificially made or reclaimed in whole or in part contrary to law.

The term "city council," as used in this Act, shall, in addition to its usual meaning, also mean and include board of trustees or other legislative or governing body of any city or village, as the case may be.

§ 19. No portion of any harbor, canal, slip, wharf, dock, levee, pier or other harbor utility or improvement (except breakwater) enumerated in this Act shall be constructed within one-half ($\frac{1}{2}$) mile of any intake

of water for public consumption, and in constructing such improvements no ashes, cinders or waste shall be dumped into any public waters within four (4) miles from any intake of water for public consumption unless placed behind retaining bulkheads: *Provided, however,* that nothing in this section contained shall apply to any city or village whose water frontage is exclusively on a river.

§ 20. The invalidity of any portion of this Act shall not affect the validity of any portion thereof which can be given effect without such invalid part.

§ 21. All laws and parts of laws heretofore enacted conferring or granting police control or other power or jurisdiction upon any municipal corporation other than a city or village, within the area or districts that may be particularly described by ordinance, as in this Act provided and authorized, are hereby repealed: *Provided*, that nothing herein contained shall be construed to or shall repeal an Act entitled, "An Act to amend an Act entitled, 'An Act to enable park commissioners having control of a park or parks bordering upon public waters in this State, to enlarge and connect the same from time to time by extensions over lands and the bed of such waters and defining the use which may be made of such extensions and granting submerged lands for the purpose of such enlargements,' approved May 14, 1903, in force July 1, 1903, and to amend the title thereof and to repeal the Act herein named," approved June 11, 1912, in force July 1, 1912.

§ 22. An Act entitled, "An Act to enlarge the power of cities in relation to harbors, canals, wharves, docks, piers, slips and other harbor structures, facilities, improvements and utilities constructed or operated in connection therewith, to authorize the acquisition and condemnation of property and the use, occupation, reclamation and acquisition of the submerged lands of the State in carrying out such power, and to repeal all Acts or parts of Acts in conflict therewith," approved June 10, 1911, is hereby repealed, and all other Acts or parts of Acts in conflict with this Act are hereby repealed.

APPROVED June 23, 1913.

HOSPITALS, PUBLIC—EMINENT DOMAIN.

§ 1. Cities enabled to exercise right of eminent domain for public hospital site.

(SENATE BILL NO. 306. APPROVED JUNE 12, 1913.)

AN ACT enabling cities to exercise the right of eminent domain for public hospital purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any lot or parcel of land shall be needed as a site for a building, to be erected for any hospital established and supported by any incorporated city of this State, and the compensation for such lot or parcel of ground cannot be agreed upon between the owner or owners thereof, and the city so needing such lot or

parcel of land for such site, then such city shall have the power, and it shall be its duty, to proceed to have such compensation determined in the manner provided by law for the taking of property, as provided by an Act entitled, "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872, in force July 1, 1872, and Acts amendatory thereto.

APPROVED June 12, 1913.

HOSPITALS, PUBLIC—PLEDGE OF TAXES.

§ 1. Amends section 6, Act of 1891.

§ 6. As amended, authorizes pledge of taxes and issuance of warrants without submission to vote of people.

(SENATE BILL NO. 371. APPROVED JUNE 26, 1913.)

AN ACT to amend section (6) of an Act entitled, "An Act to enable cities to establish and maintain public hospitals, approved June 17, 1891, in force July 1, 1891," as amended by an Act approved June 7, 1911, in force July 1, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section six of an Act entitled, "An Act to enable cities to establish and maintain public hospitals, approved June 17, 1891, in force July 1, 1891," as amended by an Act approved June 7, 1911, in force July 1, 1911, be amended to read as follows:

§ 6. Said directors shall immediately after appointment meet to organize by the election of one of their number president, and one as secretary and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the hospital as may be expedient, and not inconsistent with this Act and the ordinances of said city. They shall have the exclusive control of the expenditures of all moneys collected to the credit of the "hospital fund," and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose, and shall have the power, by the consent of two-thirds vote of the said board, and by the consent of two-thirds vote of the city council of said city, for the purpose of constructing additional buildings for said hospital, to pledge the taxes to be collected for hospital purposes for a period not to exceed five (5) years, and to anticipate the collection of said taxes for a period not to exceed five (5) years, by issuing warrants or vouchers for that purpose, the same to be signed by the president and secretary of the hospital board and by the mayor and city clerk or commissioner of accounts and finance, of said city, and be payable only out of the taxes to be collected for hospital purposes in said city for said period not to exceed five years, and it shall not be necessary for said board or said city council of said city, to submit the question of issuing said warrants or vouchers to a vote of the people:

Provided, that all the moneys received for such hospital shall be deposited in the treasury of said city to the credit of the "hospital fund," and drawn upon by the proper officers of said city upon the properly authenticated vouchers of the hospital board. Said board shall have the power to purchase or lease ground, to occupy, lease or erect appropriate building or buildings for the use of said hospital; shall have power to appoint a suitable superintendent or matron, or both, and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this Act in establishing and maintaining a public hospital, and one or all of said directors shall visit and examine said hospital at least twice each month and make monthly reports of its condition to the city council.

APPROVED June 26, 1913.

LEVEES, EMBANKMENTS, ETC.—CONSTRUCTION, REPAIR, ETC.

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| § 1. Power to construct, improve and repair levees—limitation of annual tax. | § 4. Referendum vote on tax levy—notice. |
| § 2. Levy and collection of "levee tax." | § 5. Levee fund. |
| § 3. Acquisition of real estate—eminent domain. | § 6. Ordinances for 1913. |
| | § 7. Construction of Act. |
| | § 8. Emergency. |

(SENATE BILL NO. 506. APPROVED JUNE 26, 1913.)

AN ACT to enable cities, villages and incorporated towns subject to or threatened with overflow or inundation to construct, widen, raise, strengthen, improve, repair and maintain levees, protective embankments and structures, to levy and collect an annual tax therefor and to acquire real estate and materials for such purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all cities, villages and incorporated towns, whether organized under general law or special charter, and which may be subject to or in danger of or threatened with overflow or inundation from rivers or other sources, shall have power to construct, widen, raise, strengthen, improve, repair and maintain levees, protective embankments and structures and shall have power for any of such purposes to levy and collect annually a tax of not exceeding one (1) dollar on each one hundred (100) dollars of the assessed valuation of all the taxable property within their respective limits.

§ 2. Said tax shall be designated as "Levee Tax" and shall be levied and collected in like manner with the general taxes of such municipalities; but the same shall be in addition to and exclusive of all other taxes such municipalities may now or hereafter be authorized to levy and collect; nor shall said tax be scaled down under any existing law.

§ 3. All such cities, villages and towns are hereby vested with power and authority to purchase or condemn, by the exercise of the right of

eminent domain, all such real estate as may be needful for the purpose of constructing thereon levees, protective embankments and structures, and also for the purpose of obtaining earth or other materials, either within or without the limits of such municipalities, with which to construct, widen, raise, strengthen, improve, repair or maintain such levees, protective embankments and structures.

§ 4. *Provided, however,* that the said levee tax herein provided for shall not be levied and collected for any year until the question of levying the tax for such year shall be submitted to a vote of the electors of [by] the city council at either a regular or special election and shall receive the affirmative vote of a majority of the electors voting on the question. At least twenty days' notice shall be given of the submission of the question at a regular city election, and at least thirty days' notice of any special election for submitting said question, which notice shall be given by publication for the time mentioned herein in a newspaper published in the city, and if there is no newspaper published in such city, then by posting the notices required by this Act in five prominent places in the city.

§ 5. All taxes collected by virtue of this Act shall be deposited in the treasury of such municipalities to the credit of what shall be called the "Levee Fund," which said fund shall be kept separate and apart from all other funds or moneys of such municipalities and shall not be used or paid out for any other purpose whatsoever than for the purpose specified in this Act. The moneys in said levee fund shall, as far as possible, be kept at interest by such municipalities.

§ 6. WHEREAS, Some of the municipalities of this State entitled to the benefits of the provisions of this Act have already adopted, or will adopt before July 1, 1913, their annual appropriation ordinances, such municipalities are hereby given power to adopt for the year 1913 a special appropriation ordinance and a special tax levy ordinance authorizing the collection and expenditure of the taxes provided for by this Act.

§ 7. Nothing herein contained shall be construed as in any manner limiting the powers now possessed by any such municipalities under any existing law.

§ 8. WHEREAS, A number of municipalities in this State desire to avail themselves at once of the benefits of the provisions of this Act, and, whereas, an emergency exists, this Act shall take effect and be in force from and after its passage.

APPROVED June 26, 1913.

LOCAL IMPROVEMENTS—ACT OF 1897 REVISED.

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| <p>§ 1. Adds section 6a and amends sections 6, 7, 10, 12, 14, 15, 18, 19, 22, 34 and 72, Act of 1897.</p> <p>§ 6a. Duties of chief clerk.</p> <p>§ 6. Board of local improvements.</p> <p>§ 7. Proceedings preliminary to public hearing.</p> <p>§ 10. Estimate of cost.</p> <p>§ 12. When property is taken.</p> <p>§ 14. Contents of petition—commissioners.</p> | <p>§ 15. Commissioner's report.</p> <p>§ 18. Commissioner's certificate.</p> <p>§ 19. Affidavit of ownership.</p> <p>§ 22. Mailing notices to parties assessed.</p> <p>§ 34. Improvement requested by a majority of frontage—sidewalks.</p> <p>§ 72. Municipality may buy in.</p> |
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(SENATE BILL NO. 633. APPROVED JUNE 28, 1913.)

AN ACT to amend an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, as amended by subsequent Acts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, as heretofore amended, be and the same is hereby amended by adding thereto a new section to be known as section 6a, and that sections 6, 7, 10, 12, 14, 15, 18, 19, 22, 34, and 72 of said Act as amended be and the same are hereby amended so as to read as follows:

§ 6a. In cities within the terms of this Act, having a population of one hundred thousand (100,000) or more, by the last preceding census of the United States or of this State, and having a chief clerk of special assessments, such chief clerk of special assessments shall, in the event of the absence or inability to act of the superintendent of special assessments have full power to perform all acts and duties provided for in this Act as amended to be done or performed by said superintendent of special assessments, with the same force and effect as if said Acts and duties had been done or performed by said superintendent of special assessments.

§ 6. BOARD OF LOCAL IMPROVEMENTS.] In cities within the terms of this Act, having a population of one hundred thousand (100,000) or more, by the last preceding census of the United States, or of this State, there is hereby created a board of local improvements consisting of the superintendent of special assessments and five other members; such five members shall be nominated by the mayor and shall be confirmed by the council or board of trustees of such city; and no one of which, except such superintendent of special assessments, shall be the head of any department of the government of such city, or hold any other office or position therein. Said board shall elect from its members a president, a vice-president and an assistant secretary. The superintendent of special assessments shall be *ex officio* secretary of the board. In the absence or the inability of the president or secretary to act, the vice-president for the president and the assistant secretary for the secretary, are hereby given full power to sign and execute contracts, vouchers,

bonds, pay-rolls and all other papers, documents and instruments necessary to carry this Act and all proceedings hereunder into full force and effect. Said board shall hold daily sessions for the transaction of all business in rooms accessible to the public, to be provided by the city council.

The city council or board of trustees of such city shall provide for salaries for said board of local improvements.

In cities within the terms of this Act having a population of more than fifty thousand (50,000) and less than one hundred thousand (100,000) by the last preceding census of the United States, or of this State, there is hereby created a board of local improvements, consisting of five members, of which board the commissioner of public works shall be the president. The other members of said board shall be the superintendent of streets, the superintendent of sewers, and superintendent of special assessments and the city engineer.

In cities having a population of less than fifty thousand (50,000) and in villages and incorporated towns, the board of local improvements shall consist of the mayor of said city, or the president of such village or town, who shall be president of such board, and the public engineer and the superintendent of streets of such municipality, where such officers shall be provided for by ordinance; but if at any time no such officers shall be provided for, then the city council or the board of trustees, as the case may be, shall by ordinance designate two or more members of such body who shall, with such mayor or president of such village or town, until otherwise provided by ordinance, constitute the members of the board.

§ 7. PROCEEDINGS PRELIMINARY TO PUBLIC HEARING.] All ordinances for local improvement to be paid for wholly or in part by special assessment or special taxation shall originate with the board of local improvements. Petitions for any such public improvements shall be addressed to said board. Said board shall have the power to originate a scheme for any local improvement, to be paid for by special assessment or special tax, either with or without a petition, and in either case shall adopt a resolution describing the proposed improvement, which resolution shall be at once transcribed into the records of the board.

Whenever the proposed improvement will require that private property be taken or damaged, such resolution shall describe the property proposed to be taken for that purpose. Said board shall, by the same resolution, fix a day and hour for the public consideration thereof, which shall not be less than ten days after the adoption of such resolution. Said board shall also cause an estimate of the cost of such improvement (omitting land to be acquired) to be made in writing by the engineer of the board, (if there be one, if not, then by the president) over his signature, which shall be itemized to the satisfaction of said board, and which shall be made a part of the record of such resolution: *Provided, however,* that in cities, towns or villages of this State having a population of one hundred thousand or more by the last preceding census of

the United States, or of this State, when the proposed improvement consists only of taking or damaging private property, such estimate shall not be required. Notice of the time and place of such public consideration or hearing shall be sent by mail directed to the person who paid the general taxes for the last preceding year on each lot, block, tract or parcel of land fronting on the proposed improvement not less than five (5) days prior to the time set for such public hearing. Said notices shall contain the substance of the resolution adopted by the board (and when an estimate is required by this Act) the estimate of the cost of the proposed improvement, and a notification that the extent, nature, kind, character (and, when an estimate is required by this Act, the estimated cost of such proposed improvement) may be changed by said board at the public consideration thereof. If upon such hearing the board shall deem such improvement desirable, it shall adopt a resolution therefor and prepare and submit an ordinance therefor as hereinafter provided: *Provided, however*, that in proceedings only for the laying, building, constructing or renewing of any sidewalk, water service pipe or house drain, no resolution, public hearing or preliminary proceedings leading up to the same shall be necessary. In such proceedings the board may submit to the city council or board of trustees, as the case may be, an ordinance, together with its recommendation and (when an estimate is required by this Act) the estimated cost of the improvement, as made by the engineer, as herein provided, and such proceedings shall have the same force and effect as though a public hearing had been had thereon.

§ 10. ESTIMATE OF COST.] Together with the said ordinance and recommendation shall be presented to the city council or board of trustees, except when rendered unnecessary by section seven, as amended of this Act, an estimate of the cost of such improvement, as originally contemplated, or as changed, altered or modified at the public hearing, itemized so far as the board of local improvements shall think necessary, over the signature of the engineer of the board, if there be one; if not, then of the president of said board, who shall certify that, in his opinion, the said estimate does not exceed the probable cost of the improvement proposed, and the lawful expenses attending the same. The recommendation by said board shall be *prima facie* evidence presumed to be based upon a full compliance with the requirements of the Act. (As amended by Act approved and in force May 1, 1901.)

§ 12. WHEN PROPERTY IS TAKEN.] Should such an ordinance provide for improvements which require the taking or damaging of property, the proceeding for making just compensation therefore [therefor] shall be as described in sections 13 to 33, inclusive, in this Act. Such proceeding shall also be governed by the remaining sections of this Act, so far as not in conflict with the said sections 13 to 33, inclusive.

§ 14. CONTENTS OF PETITION—COMMISSIONERS.] Such petition shall contain a reasonably accurate description of lots, blocks, tracts and parcels of land which shall be taken or damaged. There shall be filed with

or attached to such petition a copy of said ordinance, certified by the clerk, under the corporate seal, but the failure to file such copy shall not affect the jurisdiction of the court to proceed in said cause, and to act upon said petition; but if it shall appear in any such cause that a copy of the ordinance has not been attached to or filed with said petition before the report of the commissioners shall be filed, as provided in section 15, then, upon motion of any person whose real estate is to be taken, or to be assessed, the entire petition and proceedings shall be dismissed. Upon the filing of the petition the court shall enter an order designating two competent persons as commissioners, to act with the superintendent of special assessments (where such officer is provided for by this Act and in other cases the president of said board of local improvements), who shall investigate and report to the court the just compensation to be made to the respective owners of private property which will be taken or damaged for the said improvement, and also what real estate will be benefited by such improvement, and the amount of such benefits to each parcel. Neither shall be employees of the petitioning municipality, and both shall be disinterested persons. They shall be allowed a fee for their services which shall be fixed by the court in advance and the amount so allowed may be reviewed by the court upon motion, and may be taxed as costs and included in the amount to be assessed: *Provided, however,* that in cities of this State having a population of one hundred thousand (100,000) or more by the last preceding census of the United States or of this State, the fee of said commissioners shall be paid by the city out of its general fund. Said three commissioners shall be duly sworn to make a true and just assessment of the cost of said improvement, according to law. The concurrence of any two in a report shall be sufficient.

§ 15. COMMISSIONERS' REPORT.] Such commissioners shall thereupon make such investigation, and prepare and file in court their report accordingly, in and by which report they shall, in one column, describe the respective parcels of property to be taken or damaged for such improvement; in another column the respective owners of record of the said parcels of land, the name and residence of each such owner being set opposite his own property; in another column the name and residence of the occupant, where the property is occupied, so far as known to such commissioners or can be found upon diligent inquiry; in another column the amount of the value of each piece or parcel to be taken for such improvement, setting the same opposite the property to which it relates; and in another column the amount of damages, if any, which in their opinion, will result to any piece or parcel of land not taken, by reason of the said improvement, describing each piece or parcel so damaged by a reasonably accurate description; said commissioners shall further estimate and report what proportion of the total cost of such improvement (including therein their estimate of value and damages, and, when an estimate is required by this Act, the estimate of the cost of such proceeding) will be of benefit to the public, and what proportion thereof will be of benefit to the property, and shall apportion the same between

the municipality and such property so that each shall bear its relative equitable proportion; and having found said amounts, shall further report what lots, blocks, tracts and parcels of land will be specially benefited by the said improvement, and shall describe the same by a reasonably accurate description, and shall apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by said improvement: *Provided*, that no lot, block, tract or parcel of land shall be assessed a greater amount than it will [be] actually benefited.

§ 18. COMMISSIONERS' CERTIFICATE.] Such commissioners shall return their said report to the court in which said petition was filed, and file the same with the clerk thereof, with their certificate, duly verified, stating in substance that they have carefully examined the questions referred to in their report, and that in their opinion the amounts awarded for damages and value therein, and the respective amounts assessed against the private property, and also the apportionment of the cost of said improvement between the public and the private property assessed, and the allowance for property theretofore dedicated, if any, are correct, equitable and just. The return and filing of such report shall be deemed an application by the petitioner for judgment of condemnation of the property so to be taken or damaged, and for a confirmation of the said assessment of benefit.

§ 19. AFFIDAVIT OF OWNERSHIP.] The superintendent of special assessments, or president of the board of local improvements (as the case may be), shall file with said report an affidavit made by himself or by some employee of his office, that the affiant has carefully examined the records in the recorder's office of the said county for the names of the owners of record of the several lots, blocks, tracts, and parcels of land to be taken or damaged for said improvement, and also that the affiant made a careful examination of the collector's books showing the payments of general taxes during the last preceding year in which taxes were paid on the respective lots, blocks, tracts and parcels of land against which benefits are assessed in said report, to ascertain the person or persons who last paid the taxes on said respective lots, blocks, tracts and parcels of land, and that the names of such owners of record and persons who paid said taxes are correctly shown in the columns or schedules of ownership and of persons who paid such taxes in said report; also that he has diligently inquired as to the residence of the respective owners of property to be taken or damaged for said improvement and of the persons who paid the general taxes during the last preceding calendar year in which general taxes were paid on all the respective lots, blocks, tracts and parcels of land against which benefits have been assessed in said report (specifying the nature of the inquiry and examination he has made for that purpose) and that the residences of the owners and parties paying such general taxes are correctly stated, according to the result of his said examination, in the column or schedule of residences in said report; also that in all cases where he has been

unable to find the residence of the owner of such record title, he has examined the return of the collector's warrant for taxes on real estate for the last preceding year, in which the taxes were paid, and has set opposite each such parcel whose owner has not been found, the name of the person who last paid the tax on said parcel, together with his place of residence, wherever, on diligent inquiry, he was able to find the same. Said affidavit, or an affidavit filed therewith, shall further state that the affiant has visited each of the parcels of land to be taken or damaged for said improvement described in said report, for the purpose of ascertaining whether or not the same was occupied, and the name and residence of the occupant, if any; and that in every case where said parcels of land were found to be occupied, upon such investigation, the name of the occupant is stated in said report opposite such parcel, together with his residence, when ascertained. Such affidavit and report shall be *prima facie* evidence that the requirements of this Act have been complied with.

§ 22. MAILING NOTICES TO PARTIES ASSESSED.] There shall be sent by mail, post paid, to each of the persons paying the taxes during the last preceding year in which taxes were paid on the property which has been assessed for the benefits in said proceeding directed to the address as shown in said report, or where not so shown, then generally to the city, village or town in which said improvement is to be made, at least fifteen days before the said return day, a notice stating the nature of said improvement, the description of such taxpayer's property assessed therefor, the amount of such assessment, and the date when the summons in said cause will be returnable, and when objections thereto may be filed. An affidavit of one of the commissioners, or some other person showing such service, mailing, posting and publication, shall be *prima facie* evidence of a compliance with all the requirements thereof; but the publication may be proved in any other manner provided by law.

§ 34. IMPROVEMENTS REQUESTED BY A MAJORITY OF FRONTAGE—SIDEWALKS.] Whenever the owners of one-half of the property abutting on any street, alley, park or public place, or portion thereof, shall petition for any local improvement thereon, the board of local improvements in any city, village or town shall take the steps hereinbefore required for hearing thereon, but at such hearing shall consider only the nature of the proposed improvement and the cost thereof, and shall determine, in the manner above provided, the nature of the improvement which it will recommend, and shall thereupon prepare and transmit to the legislative body a draft of an ordinance therefor, together with an estimate of the cost, as above described, and shall recommend the passage thereof, which recommendation shall be *prima facie* evidence that all the preliminary steps required by law have been taken; and thereupon it shall be the duty of such legislative body to pass an ordinance for the said improvement, and take the necessary steps to have the same carried into effect. Whenever any ordinance shall provide only for the building or renewing of any sidewalk, and the owner of any lot or piece of land fronting on such sidewalk shall, within forty (40) days after the time at which said ordinance shall take effect, build or renew such sidewalk opposite to his

land to conform in all respects to the requirements of such ordinance, an allowance shall be made in the spreading of the assessment against the said lot or piece of land of an amount equal to the estimated cost of such sidewalk, based on the cost per unit of said sidewalk as shown in the engineer's estimate.

Notice of the passage of such ordinance shall be sent by mail within ten days after said ordinance shall take effect to the person who paid the taxes on said premises for the preceding year, if he or they can be found in said county, and also a like notice addressed to the "occupant" of said property, if the same be at such time actually occupied, and an affidavit of such service shall be filed with the official report of such assessment. Such affidavit shall be *prima facie* evidence of a compliance with said requirements.

§ 72. MUNICIPALITY MAY BUY IN.] Any city, village or town interested in the collection of any tax or special assessment, may, in default of other bidders, become a purchaser at any sale of property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more municipal officers to attend such sales and bid thereat in behalf of the corporation. Any municipal corporation which holds any certificate of sale or tax deed acquired in pursuance hereof shall be entitled to reimbursement of the amount paid by it at such sale, including the costs and interest at the rate of five per cent (5%); and no final judgment or decree shall be entered in any case either at law or in equity or in proceedings under the eminent domain Act involving the title to or interest on any land in which such municipal corporation shall be a party, until reimbursement has been made to it as herein provided.

APPROVED June 28, 1913.

LOCAL IMPROVEMENTS—TAXES SET ASIDE OR DECLARED VOID, ETC.

1. Amends sections 57, 58 and 84, Act of 1897.

§ 57. As amended, provides for another tax levy for work accepted by board.

§ 58. As amended, no special tax to be declared void because levied for work done and accepted by board—new ordinance to be passed when proceedings rendered unavailing.

§ 84. As amended, adds provision concerning proceedings under sections 57 and 58 for work already done.

(HOUSE BILL NO. 228. APPROVED JUNE 27, 1913.)

AN ACT to amend sections 57, 58 and 84 of an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, as amended by subsequent Acts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 57, 58 and 84 of an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, as amended by subsequent Acts, be and the same are hereby amended so as to read as follows:

§ 57. If any special assessment or special tax has heretofore been or shall hereafter be annulled by the city council or board of trustees, or set aside by any court or declared invalid or void for any reason whatsoever, a new assessment or tax may be made and returned and like notice shall be given and proceedings had as herein required in relation to the first; and if any local improvement has heretofore been or shall hereafter be constructed under the direction of the board of local improvements and has been or shall be accepted by such board, and the special assessments or special tax levied or attempted to be levied to pay for the cost of such an improvement has been or shall be so annulled, set aside or declared invalid or void, then a new special assessment or special tax may be made and returned to pay for the cost of the improvement so constructed, or to pay for the cost of such part thereof as the city council or board of trustees might lawfully have authorized to be constructed and paid for by special assessment or special tax. All parties in interest shall have like rights, and the city council or board of trustees, and the court shall perform like duties and have like power in relation to any subsequent assessment or tax as are hereby given in relation to the first.

§ 58. No special assessment or special tax shall be held invalid or void because levied for work already done, if it shall appear that such work was done under a contract which has been duly let and entered into pursuant to an ordinance providing that such an improvement should be constructed and paid for by special assessment or special tax, and that the work was done under the direction of the board of local improvements and has been accepted by such board; nor shall it be a valid objection to the confirmation of such new assessment that the original ordinance has been declared void or that the improvement as actually constructed does not conform to the description thereof as set forth in the original special assessment ordinance, if the improvement so constructed is accepted by the board of local improvements. The provisions of this section shall apply whenever the prior ordinance shall be held insufficient or otherwise defective, invalid or void, so that the collection of the special assessment or special tax therein provided for becomes impossible. In every such case, when such an improvement has been so constructed and accepted, and the proceedings for the confirmation and collection of the special assessment or special tax are thus rendered unavailing, it shall be the duty of the city council or board of trustees to pass a new ordinance for the making and collection of a new special assessment or special tax, and such ordinance need not be presented by the board of local improvements.

§ 84. Within thirty (30) days after the final completion and acceptance of the work, as hereinbefore provided, the board of local improvements shall cause the cost thereof to be certified in writing to the court in which said assessment was confirmed, together with an amount estimated by the board to be required to pay the accruing interests on bonds or vouchers issued to anticipate collection and thereupon, if the total amount assessed for said improvement upon the public and private property exceeds the costs of the same, all of said excess, excepting the

amount required to pay such interest as herein provided for, shall be abated and the judgment reduced proportionately to the public and private property owners and shall be credited *pro rata* upon the respective assessments for said improvements under the direction of the court, and, in case the assessment is collectable in installments, such reduction shall be made so that all installments shall be equal in amount, except that all fractional amounts shall be added to the first installment so as to leave the remaining installments in the aggregate equal in amount and each a multiple of one hundred dollars (\$100). If prior to the entry of the order abating and reducing said assessment the same shall have been certified for collection pursuant to the provisions of section 61 of this Act as herein amended, and any of the installments of such assessment so certified for collection have become due and payable, the reduction and abatement above referred to shall be made *pro rata* upon the other installments; the intent and meaning hereof being that no property owner shall be required to pay to the collector a greater amount than his proportionate share of the cost of said work and of the interest that may accrue thereon. In every assessment proceeding in which the assessment shall be divided into installments it shall also be the duty of the board of local improvements to state in said certificate whether or not the said improvement conforms substantially to the requirements of the original ordinance for the construction of the improvement, and to make an application to said court to consider and determine whether or not the facts stated in said certificate are true; and thereupon the court shall, upon such application, fix a time and place for hearing upon the said petition, and shall enter the same of record, such time to be not less than fifteen (15) days after the filing of such certificate and application. Public notice shall be given of the time and place fixed for such hearing by posting and publishing in a newspaper, in the same manner and for the same period as provided in this Act for publishing notice of application for the confirmation of the original assessment, the posting and publication of such notice to be not less than fifteen (15) days before the day fixed by such order for such hearing. At the time and place fixed by such notice, or at any time thereafter, the court shall proceed to hear said application and any objections which may be filed thereto within the time fixed in such order, and upon such hearing the said certificate of the board of local improvements shall be *prima facie* evidence that the matters and things therein stated are true, but if any part thereof are controverted by objections duly filed upon such petition, the court shall hear and determine the same in a summary manner and shall enter an order according to the fact. Such order of the court shall be conclusive upon all the parties and no appeal therefrom, or writ of error thereto, shall be allowed to review or reverse the same. If upon such hearing the court shall find against the allegations of the said certificate, it shall enter an order accordingly, but it shall then be the duty of the said board of local improvements to procure the completion of the said improvement in substantial accordance with the said ordinance, and said board may, from time to time, file additional or supple-

mental applications or petitions in respect thereto, until the court shall be eventually satisfied that the allegations of such certificate or petitions are true, and that said improvement is constructed in substantial accordance with the said ordinance. If before the entry of such order upon such certificate there shall have been issued to the contractor in the progress of any such work, any bonds to apply upon the contract price thereof, said contractor or the then owner or holder of such bonds, shall be entitled to receive in lieu thereof new bonds of equivalent amount, dated and issued after the entry of such order. Nothing in this section contained shall be construed to apply or shall apply to any proceedings under sections 57 and 58 of this Act or either of them, for the confirmation of new assessments, levied to pay for the cost of work already done.

APPROVED June 27, 1913.

LOCAL IMPROVEMENTS—WATERWORKS AND SEWAGE SYSTEMS IN CERTAIN MUNICIPALITIES.

§ 1. Amends section 33a, Act of 1897.

§ 33a. Annual tax levy—limit—"public benefit fund"—referendum ordinance for tax in excess of six mills—submission under Act of 1909—issuance of warrants.

(HOUSE BILL NO. 873. APPROVED JUNE 28, 1913.)

AN ACT to amend section 33a of an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 33a of an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, be amended so that the same shall read as follows, to wit:

§ 33a. Any city, village or incorporated town having over 15,000 inhabitants, owning and operating a waterworks and sewage system, and not within any sanitary district, but discharging its sewage into Lake Michigan, without having provided any adequate provision for otherwise disposing of the same, the cost of the construction of said waterworks and sewage system having been provided for by special assessment, and a large portion of such cost having been assessed against such municipality for public benefits, it shall be lawful for such municipality to provide by ordinance for the levy, in addition to the taxes now authorized by law, a direct annual tax for not exceeding twenty successive years, and not exceeding one cent on the dollar of all taxable property in such city, town or village, the same to be levied and collected with and in like manner as the general tax in such city, town or village, and to be known as the "Public Benefit Tax" and the fund arising therefrom shall be known as the "Public Benefit Fund," which fund shall be used solely for the purpose of paying that portion of the several amounts heretofore assessed against such municipality for public benefits, as well

as for paying any such amounts as may be hereafter so assessed for such benefits under and in pursuance of any ordinance that may be hereafter passed: *Provided, however,* that no such tax shall be levied in excess of six mills upon the dollar of the taxable property for any year until after the city council or board of trustees of such city, town or village shall have passed an ordinance providing for the levying of such excess, which ordinance shall not become operative, effective or valid until it shall have been submitted to the voters of any such city, town or village in accordance with the provisions of an Act of the General Assembly of the State of Illinois entitled, "An Act requiring cities, villages and incorporated towns to submit certain ordinances authorizing the issue of bonds, except to refund any bonded indebtedness to the voters of any such city, village or incorporated town," approved June 4, 1909, in force July 1, 1909, and approved by a majority of such voters voting upon the question.

Where any such tax shall have been so levied, warrants may be drawn against the same as and in the manner and with like force and effect as is provided in and by an Act of the General Assembly of the State of Illinois, entitled, "An Act to provide for the issuing of warrants upon the treasurer of any county, township, city, school district or municipal corporation, and jurors' certificates," approved May 31, 1879, in force July 1, 1879.

APPROVED June 28, 1913.

PARKS IN CITIES UNDER 50,000—TAX LEVY.

§ 1. Amends section 1, Act of 1907.

§ 1. As amended, provides for three mill tax.

(HOUSE BILL NO. 386. APPROVED JUNE 26, 1913.)

AN ACT to amend section one of an Act entitled, "An Act to authorize cities having a population of less than 50,000 to establish and maintain by taxation public parks," approved May 13, 1907, in force July 1, 1907

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of the Act of the General Assembly entitled, "An Act to authorize cities having a population of less than 50,000 to establish and maintain by taxation public parks," approved May 13, 1907, in force July 1, 1907, be amended, so as to read when amended as follows:

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city council of each incorporated city of this State having a population of less than 50,000, whether organized under general law or special charter, shall have power to establish and maintain public parks for the use and benefit of the inhabitants of such city, and may levy a tax not to exceed three mills on the dollar annually on all taxable property embraced in the city according to the valuation of the same as made for the purpose of State and county taxation by the last assessment.

APPROVED June 26, 1913.

PENSION FUND—FIREMEN IN CITIES OVER 50,000, ACT 1887 AMENDED.

§ 1. Amends sections 2, 8 and 10, Act of 1887.

§ 2. As amended, adds a retired pensioner to board of trustees and provides for elections bi-annually.

§ 8. As amended, provides for retirement after twenty years' service.

§ 10. As amended, benefits available after twenty years of service.

(HOUSE BILL NO. 70. APPROVED JUNE 26, 1913.)

AN ACT to amend sections two (2), eight (8) and ten (10) of an Act entitled, "An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children of deceased firemen; to authorize the retirement from service and the pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds fifty thousand inhabitants, having a paid fire department," approved May 13, 1887, in force July 1, 1887, and as amended by an Act approved March 28, 1889, in force July 1, 1889, and further amended by an Act approved June 1, 1907, in force July 1, 1907.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections two (2), eight (8) and ten (10) of "An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children of deceased firemen; to authorize the retirement from service and the pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns whose population exceeds fifty thousand inhabitants, having a paid fire department," approved May 13, 1887, in force July 1, 1887, and amended by an Act approved March 28, 1889, in force July 1, 1889, and further amended by an Act approved June 1, 1907, in force July 1, 1907, be and the same is hereby amended to read as follows:

§ 2. The treasurer, clerk, attorney, marshal or chief officer of the fire department, and the comptroller of such city, village or incorporated town, and two other persons, who shall be chosen from the active members of the fire department of such city, village or incorporated town, and one other person, who shall be chosen from among the ex-members of such fire department who have been duly retired from service in such fire department, or who are drawing pensions, under and by virtue of the provisions of the law creating and providing for said board of trustees shall constitute and be a board by the name of the "Board of Trustees of the Firemen's Pension Fund." The members of this board to be chosen from the active members of the fire department shall be elected by ballot at a bi-annual election, at which election all active members of the fire department of said city, village or incorporated town shall be entitled to vote: *Provided*, that in any city, village or incorporated town where there is no comptroller appointed or elected, that the mayor of such city, village or incorporated town, shall be a member of such board. And the members of said board to be chosen from among the ex-members of such

fire department who have been duly retired or pensioned as aforesaid shall be elected by ballot at a bi-annual election, at which last mentioned election all ex-members of such fire department who have been duly retired or pensioned as aforesaid shall be entitled to vote.

The election or elections in this section provided for shall be held bi-annually, on the third Monday in April, under the Australian ballot system, at such place or places in such city, village or incorporated town, under such regulations as shall be prescribed by the members of this board who are members of such by reason of their official positions: *Provided, however,* that no person entitled to vote under the provisions of this section shall cast more than one vote at any such election. In the event of the death, resignation or inability to act of any member of said board, elected under the provisions of this section, the successor to such member shall be elected at a special election, which shall be called by said board, and shall be conducted in the same manner as the bi-annual elections hereunder. The said board shall elect from their number a president and secretary: *Provided,* that in villages and incorporated towns the board of trustees of the firemen's pension fund shall consist of the president of the board of trustees, the town clerk, the town or village attorney, the chief officer of the fire department and two other persons who shall be chosen bi-annually from the active members of the fire department of such village or incorporated town, and one other person, who shall be chosen bi-annually from among the ex-members of such fire department who have been duly retired from service in such fire department, or who are drawing pensions under and by virtue of the provisions of the law creating and providing for said board of trustees. The two members of said board to be chosen from the active members of the fire department of said village or incorporated town, and the members of said board to be chosen from among the ex-members of said fire department who have been duly retired or pensioned as aforesaid, to be elected in the manner provided for in this section for election of such members in cities.

§ 8. If any member of such fire department shall, while in the service of such fire department, be killed, or die as the result of injuries received while in such service or of any disease contracted by reason of his occupation, or if any member of such fire department shall, while in said service, die from any cause while in said service, or during retirement, or after retirement, after twenty (20) years' service as hereinafter provided, and shall leave a widow, minor child or minor children under sixteen years of age, or dependent father or mother surviving, said board of trustees shall direct the payment from said pension fund of the following sums monthly, to wit: To such widow, while unmarried, thirty-five dollars; to the guardian of such minor child or children, eight dollars for each of said children until it, or they, reach the age of sixteen years; to the dependent father, or dependent mother, of such fireman, twenty-five dollars each: *Provided,* it shall be proven that the deceased fireman at the time of his death, was the sole and only support of such parent or parents. Where the wife of such deceased fireman shall have

died, either prior or subsequent to the death of such fireman, leaving a minor child or children, the said board shall pay to the duly appointed guardian of such child or children, for their support and maintenance, until it or they shall have reached the age of sixteen years, to each, the sum of fifteen dollars per month: *Provided, however,* that there shall not be paid to the family or dependents of any such deceased member, a total pension exceeding one-half the amount of the annual salary of such deceased fireman at the time of his decease; or, if a retired member, a sum not exceeding one-half the amount of the annual salary of such retired member at the date of his retirement. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof, the full amount per month, as hereinbefore provided, then, and in that event, an equal percentage of such monthly payments shall be made to each beneficiary thereof, until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

§ 10. Any member of the fire department of any such city, village or incorporated town, after having served twenty years or more in such fire department, of which the last two years shall be continuous, may make application to be relieved from such fire department, or if he shall be discharged from such fire department, the said board of trustees shall order and direct that said person shall be paid a monthly pension equal to one-half the amount of salary attached to the rank which he may have held in said fire department at the date of his retirement or discharge; and the said board upon the recommendation of the fire marshal or the chief officer of any fire department provided for in this Act, shall have the power to assign members of the fire department retired or drawing pensions under this Act, to the performance of light duties in such fire department in case of extraordinary emergencies. After the decease of such member, his widow, minor child or children, under sixteen years of age, his dependent parent or parents, if any surviving him, shall be entitled to the pension provided for in this Act, but nothing in this or any other section of this Act shall warrant the payment of any annuity to any widow of a deceased member of such fire department after she shall have remarried.

APPROVED June 26, 1913.

PENSION FUND—POLICE IN CITIES OF 9,000-50,000, CIVIL SERVICE
EXEMPTION.

§ 1. Amends section 1, Act of 1909.

§ 2. Title amended.

§ 1. As amended, adds civil service provision to paragraphs 7 and 8.

(HOUSE BILL NO. 204. APPROVED JUNE 27, 1913.)

AN ACT to amend section 1 of an Act entitled, "An Act to provide for setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns, in the State of Illinois, having a population of not less than 20,000 and not more than 50,000 inhabitants," approved June 14, 1909, in force July 1, 1909, and to amend the title of said Act.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an Act entitled, "An Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns, in the State of Illinois having a population of not less than 20,000 and not more than 50,000 inhabitants," approved June 14, 1909, in force July 1, 1909, be amended so as to read as follows:

§ 1. That in all cities, villages, and incorporated towns having a population of not less than 9,000 and not more than 50,000 inhabitants, said population to be determined by the United States government statistics, there shall be set apart the following moneys to constitute a police pension fund:

First—Three-fourths of all moneys received for licenses upon dogs.

Second—Two per cent of all moneys received from licenses for the keeping of saloons, dram-shops and wholesale liquor houses.

Third—All moneys received for special detail of police officers.

Fourth—Ten per cent of all fines collected for violation of city ordinances.

Fifth—One per cent per month, which shall be paid or deducted from the pension of every police pensioner of such city, village or town.

Sixth—All moneys received from fines imposed upon members of the police department of such city, village or town for violation of the rules and regulations of the police department.

Seventh—All rewards given or paid to members of such police force except such as shall be excepted by the board of trustees of the police pension fund: *Provided*, this provision shall not apply to cities that have not adopted civil service in the police department.

Eighth—One per cent per month which shall be paid or deducted from the salary of each and every member of the police department of such city, village or incorporated town: *Provided, however*, the sum so received shall in no case exceed one dollar (\$1.00): *Provided*, that this provision shall not apply to cities that have not adopted civil service in the police department.

Ninth—Ten per cent of all revenues collected from licenses by such city, village or incorporated town not heretofore mentioned in this bill.

Tenth—All moneys that may have been accumulated by such city, village or town in conformity with any previous legislation establishing a fund for the benefit of disabled or superannuated policemen, and one-half of all the funds accumulated in any such city, village or town for the benefit of disabled or superannuated police or firemen by virtue of any previous legislation: *Provided, however*, there shall not be collected in any city, village or incorporated town in any year more than two thousand five hundred dollars (\$2,500) and should it be necessary to reduce the collections as above provided, the reduction shall be made from the amount collected from dram-shop licenses.

§ 2. That the title of said Act be amended to read as follows:

An Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns, in the State of Illinois, having a population of not less than 9,000 and not more than 50,000 inhabitants.

APPROVED June 27, 1913.

PENSION FUND—POLICE IN CITIES OVER 50,000.

§ 1. Amends sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, Act of 1887.

§ 1. How fund created.

§ 2. Board of trustees—how chosen—vacancies—rooms.

§ 3. Who entitled to pension—limitation of amount—beneficiaries.

§ 4. Retirement for physical disability—limitations of allowance—beneficiaries.

§ 5. Certificate of disability.

§ 6. Death—injuries—insanity.

§ 7. Examination after retirement for disability—emergency service.

§ 8. When pension allowance shall cease.

§ 9. Meetings of board—officers—record of proceedings.

§ 10. Powers and authority of board.

§ 2. Repeal.

(SENATE BILL NO. 288. APPROVED JUNE 13, 1913.)

AN ACT to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of an Act entitled, "An Act to provide for setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns," approved April 29, 1887, in force July 1, 1887, as amended by an Act approved April 24, 1899, in force July 1, 1899, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved and in force May 16, 1903, as amended by an Act approved and in force April 19, 1907, as amended by an Act approved June 10, 1911, in force July 1, 1911.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of an Act entitled, "An Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns," approved April 29, 1887, in force July 1, 1887, as amended by an Act approved April 24, 1899, in force July 1, 1899, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved and in force May 16, 1903, as amended

by an Act approved and in force April 19, 1907, as amended by an Act approved June 10, 1911, in force July 1, 1911, be and the same are hereby amended to read as follows:

§ 1. That in each city, village or incorporated town in the State having a population of 50,000 inhabitants or more, there shall be set apart the following moneys to constitute a police pension fund:

First—Three-fourths of all moneys received for taxes or for licenses upon dogs.

Second—Four per cent of all moneys received from licenses for the keeping of saloons and dramshops, including licenses to wholesale liquor dealers.

Third—All moneys paid for special detail of policemen.

Fourth—All moneys received from fines imposed upon policemen of such city, village or town, for violations of the rules and regulations of the police department.

Fifth—The proceeds of all sales of unclaimed, lost or stolen property.

Sixth—One-fourth of all moneys received from licenses granted to pawn brokers, second-hand dealers and junk stores.

Seventh—All moneys received for fines for carrying concealed weapons.

Eighth—One-half of all costs collected for violations of city ordinances.

Ninth—All rewards given or paid to policemen, except such as shall be excepted by the chief officer of police.

Tenth—One and one-half per cent per month which shall be paid by or deducted from the salary of each and every policeman of such city, village or town: *Provided*, no such person shall be compelled to pay more than three dollars a month from his salary.

Eleventh—Three per cent of all revenue collected or received by such city, village or incorporated town from all licenses issued by such city, village or incorporated town, not mentioned in this Act: *Provided, however*, that the sum[s] so received from such three per cent shall in no case exceed the sums of fifty thousand dollars per annum.

§ 2. A board composed of five members to be chosen as hereinafter provided, shall be and constitute a board of trustees to provide for the disbursement of said fund and to designate the beneficiaries thereof as herein directed, which board shall be known as the board of trustees of the police pension fund of such city, village or town. Three members of said board shall be residents of the county in which such city, village or town is located and shall not hold during their term of membership on said board any appointive or elective political offices or positions. They shall be appointed by the mayor or the president of the board of trustees of such city, village or town. One of said members shall serve for a period of one year, beginning on the second Tuesday in May, 1903. One of said members shall serve for a period of two years beginning on the second Tuesday in May, 1903. The other members shall serve for a period of three years, beginning on the second Tuesday in May, 1903. The successors to any of the foregoing trustees shall serve

for a period of three years each, or until such time as their successors are appointed and qualified. The two other persons who, with the members above designated, shall constituted [constitute] said board, shall be chosen, one from among the policemen, and one from the body of pensioners under this Act, of such city, village or town. The members to be chosen from among the policemen shall be elected by ballot at an annual election, at which election all policemen shall be entitled to vote. The members to be chosen from the body of pensioners under this Act shall be elected by ballot at an annual election, at which election all retired policemen, who are pensioners under this Act, and the widows of all deceased pensioners, who are pensioners under this Act, shall be entitled to vote. In the event that there shall be no widow surviving, then the guardian of any children of such deceased pensioner, where such children are also pensioners, may cast the vote to which such widow would have been entitled had she survived. The election in this section provided for shall be held annually on the third Monday of April, at such place or places in such city, village or town, and under such regulations as shall be prescribed by the said board: *Provided, however,* that no person entitled to vote under the provisions of this section shall cast more than one vote at any such election. In the event of the death, resignation or inability to act of any member of said board, elected under the provisions of this section, the successor of such member shall be elected at a special election, which shall be called by said board and shall be conducted in the same manner as are the annual elections hereunder. Suitable rooms for offices and meetings of such board shall be assigned by the mayor or president of the board of trustees of such city, village or town.

§ 3. Whenever any person shall have been or shall hereafter be appointed and sworn or designated by law either as a probationary or regular policeman, and shall have served for a period of twenty years or more in the police department of such city, village or town of this State, subject to the provisions of this Act, or where the combined years of service of such person in the police department and fire department of such city, village or town, shall aggregate twenty years or more, said board shall order and direct that such person after his service in such police department shall have ceased, shall be paid a yearly pension equal to one-half the amount of the salary attached to the rank which he may have held in said police department for one year immediately prior to the time of such retirement: *Provided, however,* the maximum of said pension shall not exceed the sum of nine hundred dollars, and the minimum be not less than six hundred dollars per annum; and after the death of such person pensioned by virtue of this section of the Act to which this is an amendment, or any Acts amendatory thereof, the widow or child or children under sixteen years of age of any such pensioner who died prior to the taking effect of this amendment, shall hereafter be paid the pension herein provided for such husband or father: but nothing herein contained shall warrant the payment of any annuity to any such widow after she shall have remarried: *And, provided, further,* that all

policemen retired after twenty years' service in the police department (or where the combined years of service of such person in the police and fire departments shall aggregate twenty years or more) now receiving a pension, shall receive the same pension now allowed them, and that the widow or child or children under sixteen years of age of any deceased pensioner, pensioned as aforesaid, shall receive the same pension heretofore received by such deceased husband or father: *Provided*, that in no case shall said pension exceed the sum of nine hundred dollars per annum.

§ 4. Whenever any policeman of any such city, village or town shall become physically disabled while in and in consequence of the performance of police duty, said board shall, upon his written request, or without such request, if it deem it for the good of the department, retire such person from active service and order and direct that he be paid from said fund a yearly pension not exceeding one-half the amount of the salary attached to the rank which he may have held in said police department at the time of his retirement: *Provided*, that the maximum sum of such pension shall not exceed the sum of nine hundred dollars per year, and the minimum not less than six hundred dollars per year: *Provided*, further, that whenever such disability shall cease such pension shall cease, and such person shall thereupon be reinstated in the department in the rank held by him at the time of his retirement. On the death of any person so retired, the widow, child or children under the age of sixteen years of such deceased pensioner shall be paid the same pension herein provided for such retired husband or father: But nothing herein contained shall warrant the payment of any annuity to any such widow after she shall have remarried.

§ 5. No person shall be retired, as provided in the next preceding section, or receive any benefit from said fund, unless there shall be filed with said board, certificates of his disability, which certificates shall be subscribed and sworn to by the city, village or town physician (if there be one) and one practicing physician of such city, village or town, and such board may require other evidence of disability before ordering such retirement and payment, as aforesaid.

§ 6. Whenever any policeman of such city, village or town shall lose his life while in the performance of police duty, or receive injuries from which he shall thereafter die, leaving a widow, or child, or children under the age of sixteen years, then upon satisfactory proof of such facts made to it, such board shall order and direct that a yearly pension of one-half of the salary received by such policeman, not to exceed nine hundred dollars, and a minimum of not less than six hundred dollars per year, shall be paid to such widow during her life, or if no widow, then to such child or children until they shall be sixteen years of age: *Provided*, if such widow, child or children shall marry, then such person so marrying shall thereafter receive no further pension from such fund: *And, provided*, further, that whenever any policeman of such city, village or town

has been retired after twenty years' service, or physically disabled, shall then marry, such wife or child or children of such marriage shall, after his death, receive no pension from said fund.

Whenever any policeman shall die after ten years' service and while still in the service of such city, village or town, as a policeman, leaving a widow or child or children under the age of sixteen years, then upon satisfactory proof of such facts made to it, said board shall order and direct that a pension of one-half the salary, not exceeding the sum of nine hundred dollars, shall be paid to such widow, or if there be no widow, then to such child or children until they shall be sixteen years of age, said pension to cease upon marriage, as provided above.

Whenever any policeman shall, after ten years' service and while still in the service of such city, village or town, be legally adjudged insane and at such time shall have a wife or child or children under the age of sixteen years, said board shall order and direct that a pension of one-half the salary, not exceeding the sum of nine hundred dollars, shall be paid to such wife, or if there be no wife, then to such child or children, until they shall be sixteen years of age: *Provided, however,* that if at any time it be declared in the manner provided by, *by* law that such person is restored to reason, then such pension shall cease, and such person shall, in the discretion of said board, be reinstated in the department in the rank held by him at the time he was legally adjudged to be insane: *Provided, further,* that such pension shall cease if such person shall leave or be taken outside of the State of Illinois.

§ 7. Any person retired for disability under this Act may be summoned to appear before the board herein provided for, at any time thereafter, and shall submit himself thereto for examination as to his fitness for duty, and shall abide the decision and order of such board with reference thereto. And all policemen who may be retired under the provisions of this Act, except those who retire after twenty years' service, shall report to the chief of police of the city, village or town where so retired, on the second Tuesday of each and every month, unless excused in writing by the chief of police, and in cases of emergency may be assigned to, and shall perform, such duty as such chief of police may direct, and such person shall have no claim against the city, village or town for payment for such duty so performed.

§ 8. Whenever any person who shall have received any benefit from said fund shall be convicted of any felony or shall become an habitual drunkard or shall become a non-resident of the United States, or shall fail to report himself for examination as to fitness for duty, unless excused in writing by the board, or shall disobey the requirements of said board in respect to said examination, or shall fail to report to the chief of police as required by the preceding section, then such board shall order that such pension allowance as may have been granted to such person shall immediately cease and determine, and such person shall receive no further pension, allowance or benefit under this Act.

§ 9. The board herein provided for shall hold quarterly meetings on the second Tuesday of July, October, January and April of each

year, and special meetings upon the call of the president of said board. On the second Tuesday of July of each year it shall select one of its members who shall act as the president of such board for the period of one year, or until such time as his successor is elected and qualified. Said board shall, on the same day, also, select another of its members who shall act as the treasurer, and also secretary of said board for the period of one year or until such time as his successor is elected or qualified. Said board shall issue certificates signed by its president and secretary to the persons entitled thereto of the amount of money ordered paid to such persons from said fund by said board, which certificates shall state for what purpose said payment is made. Said board shall keep a record of the proceedings of all its meetings, which record shall be a public record. Said board shall submit semi-annually to the board of trustees of such village or town or the common council of such city, a list of persons entitled to payments from the fund herein provided, stating the amount of such payments, and for what granted, as ordered by such board, which list shall be signed and certified by the treasurer and president of such board, and attested by such treasurer under oath: *Provided*, that no resolution shall be passed or order made for the payment of money unless by affirmative vote of a majority of the members of said board.

§ 10. In addition to the other powers herein granted, the following further powers and authority are hereby conferred upon said board:

First—The said board shall have exclusive control and management of the fund mentioned herein, and of all moneys donated, paid or assessed for the relief or pensioning of disabled, superannuated and retired policemen, their widows and minor children; the same to be placed by the treasurer of such board to the credit of such fund subject to the order of such board.

Second—All rewards, moneys, gifts, fees or emoluments that may be paid or given for, or on account of extraordinary service by said police department or by any policemen, except when allowed to be retained by said policeman or given to endow a medal or other competitive reward, shall be paid into said pension fund. The said board may take by gift, grant, devise, or bequest, any moneys, real estate, personal property, right of property, or other valuable thing.

Third—Said board shall have the power to draw such pension fund from the treasurer or other officials of such city, village or town, and may invest such fund, or any part thereof, in the name of the board of trustees of the police pension fund, in interest bearing bonds of the United States, of the State of Illinois, or of any county of this State, or of any township or any municipal corporation of the State of Illinois, and all such securities shall be deposited with the treasurer of said board and shall be subject to the order of said board; said treasurer of said board shall furnish a good and sufficient bond to said board in an amount to be fixed by said board, all costs, incidental to same, to be paid out of said pension fund.

Fourth—To compel witnesses to attend and testify before it, upon all matters connected with the operation of this Act, in the same manner as is or may be provided by law for the taking of testimony before masters in chancery, and its president, or any member of said board, may administer oaths to such witnesses.

Fifth—To appoint a clerk and define his duties.

Sixth—To provide for the payment from said funds of all its necessary expenses, including clerk hire, printing and witness fees: *Provided*, that no compensation or emolument shall be paid to any member of said board for any duty required or performed under this Act: *And, provided, further*, that the interest on said fund or any portion thereof shall be credited thereto and no portion thereof shall be retained by the treasurer of said board.

Seventh—To make all necessary rules and regulations for its guidance, in conformity with the provisions of this Act.

§ 2. All Acts or parts of Acts or amendments thereof heretofore enacted, and in any manner conflicting with the provisions of this Act, are hereby expressly repealed.

APPROVED June 13, 1913.

PLEASURE DRIVEWAYS OUTSIDE CORPORATE LIMITS.

§ 1. Amends section 1, Act of 1889.

§ 1. As amended, provides for establishment and maintenance of driveways outside corporate limits—acquisition of land—eminent domain.

(HOUSE BILL NO. 761. APPROVED JUNE 28, 1913.)

AN ACT to amend section 1 of an Act entitled, "An Act to provide for pleasure driveways in incorporated cities, villages and towns," approved March 27, 1889.

Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section one (1) of an Act entitled, "An Act to provide for pleasure driveways in incorporated cities, villages and towns," approved March 27, 1889, be and the same is hereby amended so as to read as follows:

§ 1. That the city council in cities, the president and the board of trustees in villages, or the board of trustees in incorporated towns, whether incorporated under the general law, or special charter, shall have the power to designate by ordinance the whole or any part of not to exceed two streets, roads, avenues, boulevards or highways, under their jurisdiction, as a public driveway, to be used for pleasure driving only, and to improve and maintain the same, and also to lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve and maintain not more than two roads, streets, or avenues, and designate the same as pleasure driveways to be used for pleasure driving only: *Provided*, said powers shall only be exercised when the corporate authorities are petitioned thereto by the owners of more than two-thirds of the

frontage of land fronting upon said proposed pleasure driveway. And the city council in cities, the president and the board of trustees in villages, or the board of trustees in incorporated towns, whether incorporated under the general law, or special charter, shall have the power to lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve and maintain a driveway or driveways from the corporate limits of any incorporated city, village or town to any park or parks owned by said city, village or town outside its corporate limits, the cost of which driveway or driveways may be paid out of any fund now in the treasury of such city, village or town, acquired under authority of law for park purposes, or out of any fund hereafter acquired under authority of law for park purposes, and for that purpose may acquire the land necessary therefor by purchase, devise or gift, or in case the same cannot be so acquired, may acquire the same by condemnation in the manner provided by the Act entitled, "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872, as amended by subsequent Acts.

APPROVED June 28, 1913.

STREETS THROUGH PARKS—POWER TO EXTEND.

§ 1. Power to extend streets through park within city—needs determined by park commissioners.

§ 2. Grade at crossing of other roadways—consent of park commissioners.

(HOUSE BILL NO. 286. APPROVED JUNE 27, 1913.)

AN ACT to authorize cities to open streets through parks.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That where any park is located wholly within any city, the city council of such city shall have power by ordinance to extend streets through such park as the needs of the public shall demand. Such needs to be determined by the park commissioners having control thereof.

§ 2. If such street is to be used only for boulevard purposes, it may be extended through such park at the grade of other roadways to be crossed by such street so to be extended within such park in the discretion of the park commissioners having control thereof; but if such street is to be used for general traffic purposes, it shall be depressed below the street level within such park, as the park commissioners, having control thereof, shall direct; and the cost of the construction and maintenance of such depression shall be borne by the said city: *Provided*, no such street or streets shall be extended through any park or parks in any city without the consent and express direction of the park commissioners having control of such park or parks.

APPROVED June 27, 1913.

TUBERCULOSIS SANITARIUMS, PUBLIC—AUXILIARY INSTITUTIONS, ETC.

§ 1. Amends sections 1, 6, 7 and 9, Act of 1908.

§ 1. As amended, includes branches, dispensaries and auxiliary institutions—tax levy not included in limitation of three per cent, etc.

§ 6. As amended, adds branches, dispensaries and auxiliary institutions, etc.

§ 7. As amended, provides for consent in writing of persons entering and extension of benefits into homes of persons afflicted.

§ 9. Rules and regulations—extension.

(SENATE BILL NO. 515. APPROVED JUNE 27, 1913.)

AN ACT to amend sections 1, 6, 7 and 9 of an Act entitled, "An Act to enable cities and villages to establish and maintain public tuberculosis sanitariums," approved March 7, 1908, in force July 1, 1908; as amended by an Act approved March 12, 1909, in force March 12, 1909.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 1, 6, 7 and 9 of an Act entitled, "An Act to enable cities and villages to establish and maintain public tuberculosis sanitariums," approved March 7, 1908, in force July 1, 1908, as amended by an Act approved March 12, 1909, in force March 12, 1909, be amended to read as follows:

§ 1. That the city council of cities and boards of trustees in villages of this State shall have the power, in the manner hereinafter provided, to establish and maintain a public sanitarium and branches, dispensaries and other auxiliary institutions connected with same within or without the limits of such cities and villages, for the use and benefit of the inhabitants of such city or village for the treatment and care of persons afflicted with tuberculosis, and shall have the power to levy a tax not to exceed one mill on the dollar annually on all taxable property of such city or village, such tax to be levied and collected in like manner with the general taxes of the said city or village and to be known as the "Tuberculosis Sanitarium Fund," which said tax shall be in addition to all other taxes which such city or village is now or hereafter may be authorized to levy upon the aggregate valuation of all property within such city or village, and the county clerk, in reducing tax levies under the provisions of section two (2) of an Act, entitled "An Act to amend section two (2) of an Act, entitled 'An Act concerning the levy and extension of taxes,' approved May 9, 1901, in force July 1, 1901, as amended by an Act approved March 29, 1905, in force July 1, 1905," approved June 14, 1909, in force July 1, 1909, shall not consider the tax for said tuberculosis sanitarium fund authorized by this Act as a part of the general tax levy for the city or village purposes, and shall not include the same in the limitation of three (3) per cent of the assessed valuation upon which taxes are required to be extended.

§ 6. Said directors shall, immediately after appointment, meet and organize by the election of one of their number president and one as secretary and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regula-

tions for their own guidance and for the government of the sanitarium and the branches, dispensaries and auxiliary institutions and activities connected therewith as may be expedient, not inconsistent with this Act and the ordinances of such city or village. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the tuberculosis sanitarium fund and of the construction of any sanitarium building or other buildings necessary for its branches, dispensaries and other auxiliary institutions and activities in connection with said institution, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose: *Provided*, that all moneys received for such sanitarium shall be deposited in the treasury of said village or city to the credit of the tuberculosis sanitarium fund, and shall not be used for any other purpose and shall be drawn upon by the proper officers of said city or village upon the properly authenticated vouchers of the sanitarium board. Said board shall have the power to purchase or lease ground within or without the limits of such city or village, and to occupy, lease or erect an appropriate building or buildings for the use of said sanitarium, branches, dispensaries and other auxiliary institutions and activities connected therewith, by and with the approval of the city council or board of trustees as the case may be; and shall have the power to appoint suitable superintendents or matrons or both and all necessary assistants and fix their compensation, and shall also have the power to remove such appointees, and shall in general carry out the spirit and intent of this Act in establishing and maintaining a public sanitarium, and one or all of said directors shall visit and examine said sanitarium at least twice in each month and make monthly reports of its condition to the city council or board of trustees, as the case may be.

§ 7. Every sanitarium established under this Act shall be free for the benefit of the inhabitants of such city or village who may be afflicted with tuberculosis, and they shall be entitled to occupancy, nursing, care, medicines and attendance according to the rules and regulations prescribed by said board. Such sanitarium shall always be subject to such reasonable rules and regulations as said board may adopt in order to render the use of said sanitarium of the greatest benefit to the greatest number, and said board may exclude from the use of said sanitarium any and all inhabitants and persons who shall wilfully violate such rules or regulations: *Provided, however*, that no person so afflicted shall be compelled to enter such sanitarium or any of its branches, dispensaries or other auxiliary institutions without his consent in writing first having been obtained, or in case of a minor or one under a disability the consent in writing of the parents, guardian or conservator, as the case may be.

Said board shall, upon request or by consent of the party afflicted or the legal guardian, conservator or parents thereof, have the power to extend the benefits and privileges of such institution, under proper rules and regulations, into the homes of persons afflicted with tuberculosis and to furnish nurses, instruction, medicines, attendance and all other aid

necessary to effect a cure, and to do all things in and about the treatment and care of persons so afflicted which will have a tendency to effect a cure of the person or persons afflicted therewith and to stamp out tuberculosis in such city or village.

And said board may extend the privileges and use of such sanitarium and treatment to persons residing outside of such city or village in this State so afflicted, upon such terms and conditions as said board may from time to time by its rules and regulations prescribe.

§ 9. When such sanitarium is established, the physicians, nurses, attendants, the persons sick therein and all persons approaching or coming within the limits of the same or grounds thereof, and all furniture and other articles used or brought there, shall be subject to such rules and regulations as said board may prescribe; and such rules and regulations shall extend to all branches, dispensaries and other auxiliary institutions located within or without such city or village and to all employees in same and to all employees sent to the homes of the afflicted as herein provided for.

APPROVED June 27, 1913.

VEHICLES IN MUNICIPALITIES UNDER SPECIAL LAWS.

§ 1. Power to license and control—width of tire—separate fund—exception of certain motor vehicles—tax limit—proviso.

§ 2. Power to adopt rules and regulations with fines and penalties—proviso.

(HOUSE BILL NO. 77. APPROVED JUNE 28, 1913.)

AN ACT *to enable cities, towns and villages organized under any special law to regulate, license and control wagons and other vehicles.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any city, village, or incorporated town of this State, incorporated under any special law of this State, is hereby authorized and empowered, by ordinance, to direct, license and control all wagons and other vehicles conveying loads within the city or village, or any particular class of such wagons and other vehicles, and prescribe the width and tire of the same, the license fee when collected to be kept as a separate fund and used only for paying the cost and expense of street or alley improvement or repair: *Provided*, that no owner of a motor vehicle, except motor trucks and motor driven commercial vehicles, or motor bicycle, who shall have obtained a certificate from the Secretary of State and paid the registration fees as hereinbefore provided, shall be required to pay any tax for vehicles carrying loads or any other tax upon the use of any such motor vehicle or motor bicycle in excess of the sum of \$10.00 per annum for motor vehicles of thirty-five horse power or less used for the transportation of persons, or more than twenty dollars (\$20.00) per annum for motor vehicles of more than thirty-five (35) horse power used for the transportation of persons: *And, provided, further*, that no person shall be required to pay any such vehicle license tax by any municipality in this

State, except the municipality in which he resides; and no firm or corporation shall be required to pay any such vehicle license tax in any municipality in this State except the one in which said firm or corporation maintains and conducts its principal place of business in this State.

§ 2. Any such city or village shall have power, by ordinance, to provide such rules, and make such regulations as are proper or necessary to carry into effect the powers granted by this Act, with such fines or penalties as the city council or board of trustees shall deem proper: *Provided*, no fine or penalty shall exceed \$200.00 and no imprisonment shall exceed six months for one offense.

APPROVED June 28, 1913.

CIVIL SERVICE.

PARK SYSTEMS—SUPERINTENDENT OF EMPLOYMENT.

§ 1. Amends section 2, Act of 1911.

§ 2. As amended, provides superintendent of employment shall devote his exclusive time and attention to duties of office, etc.

(SENATE BILL NO. 359. APPROVED JUNE 27, 1913.)

AN ACT to amend section 2 of an Act entitled, "An Act relating to the civil service in park systems," approved June 10, 1911, in force July 1, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 2 of an Act entitled, "An Act relating to the civil service in park systems," approved June 10, 1911, in force July 1, 1911, be and the same is hereby amended to read as follows:

§ 2. In any park district to which this Act is or shall become applicable, there is hereby created and established a civil service board, hereinafter called the board, to consist of three persons to be selected in the manner following:

The governing authority or body of such park district, hereafter called the park commissioners, shall within thirty days after this Act becomes applicable, and thereafter whenever a vacancy occurs, appoint a superintendent of employment, for a term of six years from the date of his appointment and until his successor is duly appointed and qualified, which said superintendent of employment shall be under the direction and supervision of the said park commissioners, and two park commissioners or members of such governing authority, each for a term of two years from the date of his appointment and until his successor is duly appointed and qualified, who shall constitute and be known as the civil service board of such park district. The superintendent of employment shall be paid a salary of not less than three thousand dollars a year, and shall devote his entire and exclusive time and attention to the duties

pertaining to the said office of superintendent and not engaged in any other employment. The park commissioners may fix the salary of each of the other members of the civil service board at such sum, not to exceed five hundred dollars a year, as they may deem proper. Two members of the board shall constitute a quorum.

No member of the civil service board shall be removed except for palpable incompetence, or malfeasance in office upon written charges filed by or at the direction of the park commissioners and heard before the board of hearings herein provided for. The persons who are the county judge in and for the county in which said park district is situated and the two judges of the circuit court of such county who have longest held judicial office, shall constitute the board of hearings: *Provided*, that whenever more than two circuit judges shall be eligible as having held judicial office for the same length of time, the choice of circuit judges shall be made from them by lot. In case there is but one circuit court in the circuit including or embracing said county, then said circuit judge and said county judge shall select the third member of said board of hearings from among the circuit judges in contiguous circuits: *Provided, however*, that in the event of charges being filed against the superintendent of employment, such charges shall be heard, tried and determined by the park commissioners.

The board of hearings shall hear and determine the charges and its findings shall be final and if such charges shall be sustained, the member of the civil service board so charged shall be forthwith removed from office by said board of hearings and the park commissioners shall thereupon proceed within thirty days to fill the vacancy created by such removal. In any proceeding provided for in this section, the board of hearings, and each member thereof, shall have power to administer oaths and to compel by subpoena the attendance and testimony of witnesses and the production of books and papers.

APPROVED June 27, 1913.

STATE COMMISSION—SALARIES AND EXPENSES.

§ 1. Amends section 18, Act of 1905.

§ 18. As amended, provides for salaries of president and chief examiner.

(SENATE BILL NO. 361. APPROVED JUNE 26, 1913.)

AN ACT to amend section 18 of "*An Act to regulate the civil service of the State of Illinois*," approved May 11, 1905, in force July 1, 1905; as amended by an Act approved April 19, 1907, in force July 1, 1907; as amended by an Act approved May 25, 1907, in force July 1, 1907; as amended by an Act approved June 10, 1911, in force July 1, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 18 of an Act entitled, "*An Act to regulate the civil service of the State of Illinois*," approved May 11, 1905, in force July 1, 1905; as amended by an Act approved

April 19, 1907, in force July 1, 1907; as amended by an Act approved May 25, 1907, in force July 1, 1907; as amended by an Act approved June 10, 1911, in force July 1, 1911, be and the same is hereby amended so to read as follows, namely:

§ 18. SALARIES AND EXPENSES.] Each of said commissioners shall receive a salary of three thousand dollars a year and the commissioners selected as president shall while serving as such president receive a salary of one thousand dollars a year in addition to his salary as commissioner and the chief examiner shall receive a salary of not less than \$2,500.00 nor more than \$4,000.00, and said commissioners shall be paid their necessary traveling expenses. Any person not at the time in the official service of the State, serving as a member of the board of examiners, or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or a member of the trial board, at the rate of not exceeding five dollars per day and necessary traveling expenses. Said commission may also incur necessary expenses for clerk hire, stationery, printing and other incidental expenses, and the said salaries and expenses shall be allowed and paid in the same manner as the salary and expenses of the Governor's office.

APPROVED June 26, 1913.

CONVEYANCES.

LAND TITLES—ACT OF 1897 AMENDED.

§ 1. Amends sections 12, 18, 19, 20 and 40, and adds section 108a, Act of 1897.

§ 12. As amended, lands having substantially same title may be included in one application.

§ 18. As amended, provides what shall be sufficient proof of issuance of original abstract or certified copies of same—proved copies admissible as evidence.

§ 19. As amended, provides when summons shall be served or default taken thereon.

§ 20. As amended, provides when default may be taken on publication.

§ 40. Rights of registered owner—exceptions.

§ 108a. Rules of proof herein followed in pending cases.

(SENATE BILL NO. 413. APPROVED JUNE 26, 1913.)

AN ACT to amend sections 12, 18, 19, 20 and 40 of an Act entitled, "An Act concerning land titles," approved and in force May 1, 1897, as amended by Act approved May 24, 1907, in force July 1, 1907, and to further amend said Act, as amended, by adding thereto one additional section to be known as section 108a.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections 12, 18, 19, 20 and 40 of an Act entitled, "An Act concerning land titles," approved and in force May 1, 1897; as amended by Act approved May 24, 1907, in force

July 1, 1907, be amended and that said Act as amended be further amended by adding thereto one additional section to be known as section 108a, which said sections as hereby amended and said additional section shall read as follows:

§ 12. Any number of contiguous pieces of land in the same county, and owned by the same person and in the same right, or any number of pieces of property in the same county having substantially the same chain of title, and belonging to the same person, may be included in one application.

§ 18. Immediately upon the filing of the application, an order may be entered referring the same to one of the examiners of title appointed by the registrar, who shall proceed to examine into the title and into the truth of the matter set forth in the application, and particularly whether the land is occupied, the nature of the occupation, if occupied, and by what right, and make report in writing to the court, of the substance of the proof and his conclusions therefrom. He shall have power to administer oaths and examine witnesses, and may, at any time, apply to the court for directions in any matter concerning his investigation. The examiner may receive in evidence any abstract of title or certified copy thereof issued in the ordinary course of business by makers of abstracts; but the same shall not be held as more than *prima facie* evidence of title, and any part or parts thereof may be controverted by other competent proofs. It shall be sufficient proof that any original abstract of title was made or issued in the ordinary course of business by makers of abstracts, to show that the signature attached to the abstract is the genuine signature of the person, firm or corporation purporting to make or issue the same, appended either in person or by the hand of any person or official accustomed to attach such signature in the ordinary course of business, and that such maker was known or generally reputed to have been in the business of making abstracts of title for hire, at the date shown upon the abstract, or the actual date of the issuance thereof. Certified copies may also be proven in the manner aforesaid; and the certificate or signed statement of the maker of such copy of any purported original abstract, or of any copy, therein contained and a part thereof, that the same is a true copy of the original abstracts or examinations of title or copies thereof purporting to be included therein, shall be sufficient evidence *prima facie* of the correctness of such copies; and said copies, when so proven and certified as aforesaid, shall be admissible in evidence, and shall have the same force and effect as evidence as the original abstracts or examinations of title. The examiner of titles shall not be required to report to the court the evidence submitted to him, except upon the request of some party to the proceeding, or by the direction of the court. No report shall be made upon such application, until after the expiration of the time specified in the notice hereinafter provided for the appearance of the defendants, and in case of such appearance, until opportunity is given to such defendants to contest the rights of the applicant in such manner as shall be allowed by the court.

§ 19. The clerk shall also, immediately upon the filing of such petition, issue a summons against all persons mentioned in the petition as defendants. The summons shall state the date of the filing of the application, and shall be made returnable at such time as shall be directed by endorsement thereon, not less than ten days after the filing of such petition. The summons may be served as in other cases in chancery, and shall be served at least ten days prior to the return day mentioned therein. In case the same is served less than ten days prior to the return day, default may be taken thereon on the first day of the next ensuing term of the court, or at any time thereafter: *Provided*, such date is at least ten days from the date of service as aforesaid; if not, then at the next term thereafter.

§ 20. The clerk shall also, immediately upon the filing of such application, cause notice of the filing thereof to be published once in each week for four consecutive weeks in some newspaper published in the county, or if there is no newspaper published in the county, then in a newspaper published in one of the counties nearest thereto. The notice may be substantially as follows:

REGISTRATION OF LAND TITLE.

In the matter of the application of.....to register the title to (here insert description of land as in the application, and in case any person is named as defendant, the name of such persons defendant).

TO ALL WHOM IT MAY CONCERN:

TAKE NOTICE, That on the.....day of....., A. D., an application was filed by said.....in thecourt of.....county, for initial registration of the title to the land above described. Now, unless you appear on or before the.....day of....., A. D.(the time shall not be less than thirty days after the first publication) and show cause why such application shall not be granted, the same will be taken as confessed, and a decree will be entered according to the prayer of the application and you will be forever barred from disputing the same.

Default may be taken on such publication on the day succeeding the return day named therein, or at any time thereafter.

§ 40. The registered owner of any estate or interest in land brought under this Act shall, except in cases of fraud to which he is a party, or of the person through whom he claims without valuable consideration paid in good faith, hold the same subject only to such estate, mortgages, liens, charges and interests as may be noted in the last certificate of title in the registrar's office and free from all others except:

(1) Any subsisting lease or agreement for a lease for a period not exceeding five years, where there is actual occupation of the land under the lease. The term lease shall include a verbal letting.

(2) General taxes, for the current or fiscal year in which certificate is issued, and special taxes or assessments which have not been confirmed.

(3) Such right of appeal, writ of error, right to appear and contest the application, and action to make counterclaim as is allowed by this Act.

§ 108a. This Act shall apply to, and the rules of proofs herein set forth shall be followed in, all pending cases, and in any pending case in which the proofs have been made at the time this Act goes into effect, the evidence shall be held sufficient to prove the making of an abstract of title or a certificate copy thereof, in the ordinary course of business by makers of abstracts, if the foregoing requirements have been complied with.

APPROVED June 26, 1913.

CORPORATIONS.

NOT FOR PECUNIARY PROFIT—TRUSTEES UNDER SPECIAL CHARTERS.

§ 1. Amends sections 1 and 2, Act of 1901.

[§ 1.] As amended, authorizes election of trustees without consent of religious denomination if right of consent is waived.

§ 2. As amended, authorizes election of trustees without consent of religious denomination if right of consent is waived.

(SENATE BILL NO. 474. APPROVED JUNE 26, 1913.)

AN ACT to amend sections 1 and 2 of an Act entitled, "An Act in relation to corporations organized under special charters not for pecuniary profit," approved April 4, 1901, in force from and after its passage.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 1 and 2 of an Act entitled, "An Act in relation to corporations organized under special charters not for pecuniary profit," approved April 4, 1901, in force from and after its passage, be amended so as to read as follows:

[§ 1.] That all corporations, associations and societies organized under or created by any special Act of the Legislature not for pecuniary profit, are hereby vested with power to create boards of trustees, directors or managers, and to elect and appoint members thereof, either from their own membership or otherwise, in such manner, at such times and for such periods as may be provided by the by-laws of such corporations, associations or societies.

Also that where the charter of any such corporation requires that the election of trustees shall have the consent, approval and ratification of the religious denomination as specified therein, and such denomination shall have waived and relinquished such power of consent, approval and ratification of such election by the representatives mentioned in charter, then said corporation may elect said trustees without such consent,

approval and ratification of said religious denomination; and said board of trustees, directors or managers shall have such powers and perform such duties as may be prescribed by the by-laws of such corporation, association or societies: *Provided*, that whenever any such trustees, directors or managers shall be elected or appointed, a certificate under the seal of the corporation, association or society, giving the names of such trustees, directors or managers, so appointed or elected, and the term of their office, shall be filed for record in the office of the recorder of deeds in the county or counties where the business of said corporation may be carried on, by such board of trustees, directors or managers.

§ 2. That hereafter whenever any corporation not for pecuniary profit, existing by virtue of any special law of this State, shall desire to avail itself of the right to change its name, to change its place of business, to enlarge or change the object for which it was formed or to increase or decrease the number of its directors, managers, or trustees, as now authorized or may hereafter be authorized by general law, or to elect its trustees without the approval or ratification of the religious denomination specified in its charter, where the representatives of such religious denomination shall have waived and relinquished such right of consent, approval or ratification to the election of its trustees, such change shall not operate as a waiver, release or forfeiture of any of the powers, rights or privileges of such corporation granted to or secured by, under and by virtue of such special Act, and all Acts or parts of Acts in conflict herewith, are hereby repealed.

APPROVED June 26, 1913.

RELIGIOUS SOCIETIES—ORGANIZATION.

§ 1. Amends "General Incorporation Act of 1872" by adding sections 46a to 46k, inclusive.

§ 46a. To what societies Act applies—who to act as trustees.

§ 46b. Form of affidavit to be filed with recorder of deeds.

§ 46c. Successor to presiding officer or any other trustee.

§ 46d. Removal of trustee.

§ 46e. Perpetual succession—power of trustees.

§ 46f. Acquisition and use of land by trustees—limitation.

§ 46g. Appointment of trustees—affidavit and duplicate copy to be recorded.

§ 46h. Definitions.

§ 46i. Former organizations may incorporate.

§ 46j. Acquisition and use of land—limitation.

§ 46k. Construction of Act.

(HOUSE BILL NO. 335. APPROVED JUNE 19, 1913.)

AN ACT to amend an Act entitled, "An Act concerning corporations," approved April 18, 1872, in force July 1, 1872; as amended by Acts amendatory thereof, by adding thereto eleven sections to be numbered and known as section 46a, section 46b, section 46c, section 46d, section 46e, section 46f, section 46g, section 46h, section 46i, section 46j, and section 46k, respectively.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an Act entitled, "An Act con-

cerning corporations," approved April 18, 1872, in force July 1, 1872, as amended by Acts amendatory thereof, be and the same is hereby amended by adding thereto the following sections, to be numbered and known as section 46a, section 46b, section 46c, section 46d, section 46e, section 46f, section 46g, section 46h, section 46i, section 46j, and section 46k, respectively, which said additional sections shall read as follows:

§ 46a. It shall be lawful for any congregation, church, or society, now or hereafter existing in the State of Illinois, and which is under the patronage, control, direction or supervision of any ecclesiastical body, diocesan, or like ecclesiastical officer, agreeably to the laws thereof, to become incorporated according to sections 46a to 46h, inclusive, of this Act. Such ecclesiastical body, diocesan, or like ecclesiastical officer may nominate and appoint, according to the usages, customs, rules, regulations, articles of association, constitution, by-laws or canons of any ecclesiastical body, diocesan or like ecclesiastical officer, or sect, or denomination, two or more of the members of such sect, or denomination, residing within any ecclesiastical district, or diocese, to act with the presiding officer, or authorized representative of any ecclesiastical body, or with the diocesan, or like ecclesiastical officer, having jurisdiction, agreeably to the laws of any sect, or denomination, over such ecclesiastical district, or diocese, in managing the temporal affairs of such congregation, church or society. The presiding officer, or authorized representative of any ecclesiastical body, or the diocesan, or like ecclesiastical officer having jurisdiction as aforesaid, shall, by virtue of his office, be a trustee of any congregation, church, or society which shall hereafter be incorporated under sections 46a to 46h, inclusive, of this Act, and which shall be under the patronage, control, direction, or supervision of any ecclesiastical body, diocesan, or like ecclesiastical officer aforesaid.

§ 46b. The presiding officer, or duly authorized representative of any ecclesiastical body, or diocesan, or like ecclesiastical officer having jurisdiction agreeably to the laws of any sect or denomination over such ecclesiastical district or diocese, shall, as soon as may be after such appointment, make and file in the office of the recorder of deeds in the county in which such congregation, church, or society is organized, an affidavit (which shall be recorded by such recorder,) substantially in the following form:

STATE OF ILLINOIS, }
COUNTY OF..... } ss.

I,, do solemnly swear (or affirm, as the case may be,) that the following persons (here insert their names) were appointed trustees (or wardens, vestrymen, or officers, by whatever name is adopted, with powers and duties similar with trustees) of (here insert the name of the congregation, church, society, or corporation) according to the usages or customs (rule, regulations, articles of association, constitution, by-laws, or canons, as the case may be) by the (synod, presbytery, conference, convention, council, episcopate, or like ecclesiastical body, or diocesan, or like ecclesiastical officer, as the case may be,) of (here insert the name of the congregation, church, society, sect, or de-

nomination, having charge or control over such congregation, church, society or corporation) under and by virtue of sections 46a, 46b, 46c, 46d, 46e, 46f, 46g, and 46h, of chapter 32, being an Act entitled, "An Act concerning corporations," approved April 18, 1872, in force July 1, 1872, and said (church, society or congregation, or trustees) adopted as the corporate name (here insert name).

.....
(Name of affiant and title if any.)

Subscribed and sworn to before me this.....day of.....

A. D. 19....

Such affidavit, or copy thereof, duly certified by the recorder, shall be received as evidence of the due incorporation of such congregation, church or society.

§ 46c. The successor of the presiding officer of any ecclesiastical body, or of the diocesan, or like ecclesiastical officer, shall, by virtue of his office, be for the time being a trustee of such corporation in place of his predecessor, and when the office of any other trustee becomes vacant, his successor shall be appointed in the manner provided for in the original selection. The number, term of office, and the qualifications of the trustees of any such corporation, may be determined by the usages, customs, rules, regulations, articles of association, constitution, by-laws or canons of the ecclesiastical body, or diocesan, or like ecclesiastical officer. No certificate of appointment, after the first, need be filed for record.

§ 46d. A trustee may be removed from office whenever his office shall be declared vacant for failure to act, or for immoral conduct, or for an abandonment of the faith of the congregation, church, society, sect, or denomination, or for failure to observe the usages, customs, rules, regulations, articles of association, constitution, by-laws or canons of the congregation, church or society, or of the ecclesiastical body, or diocesan, or like ecclesiastical officer, having jurisdiction over any ecclesiastical district or diocese.

§ 46e. The trustees of every such congregation, church, or society, under the patronage, control, direction, or supervision of any ecclesiastical body, or diocesan, or like ecclesiastical officer, after the same has become incorporated under sections 46a to 46h, inclusive, of this Act, and their successors, shall have perpetual succession with power to adopt a common seal, which may be altered and changed at pleasure, contract, and be contracted with, sue and be sued, plead and be impleaded, by the corporate name of such congregation, in all courts, whatever; to receive, hold, dispose of, mortgage, and convey any kind of property; to make and adopt by-laws for their government, not inconsistent with sections 46a to 46h, inclusive, of this Act, or with the rules and regulations of the sect or denomination having the charge or patronage of said corporation; and shall alone have power to make all contracts needful in the management of the temporal affairs of such congregation, church,

or society: *Provided*, that no conveyance, or mortgage shall be made to affect, or destroy the intent of any grant, devise, or donation, that may be made to any person, or trustee, for the use of such congregation, church, or society, or for the use of any sect, or denomination: *And, provided, further*, that the trustees of any corporation, organized under sections 46a to 46h, inclusive, of this Act, which is, or may be, under the control, patronage, direction or supervision of any ecclesiastical body, diocesan, or like officer, shall hold and control the real and personal property of such corporation, and contract with reference thereto, according to the rules, regulations, constitution, articles of association, by-laws, or canons of such ecclesiastical body, diocesan, or like ecclesiastical officer.

§ 46f. The trustees of any corporation that may be formed for religious purposes under sections 46a to 46h, inclusive, of this Act, may receive, in the name of such corporation, by gift, devise or purchase, land not to exceed in quantity twenty (20) acres, excepting such land as shall be reasonably necessary for educational and eleemosynary purposes, and make, erect and build thereon, such houses, buildings, or other improvements, as may be necessary for the convenience and comfort of such congregation, church, society, or corporation, and may lay out and maintain thereon a burying ground and may maintain and build thereon schools, orphan asylums, or such other improvements or buildings as may be necessary for the educational and eleemosynary purposes of such congregation, church, society, or corporation: *Provided*, that all corporations organized under sections 46a to 46h, inclusive, of this Act owning cemeteries which may be under the control, patronage, direction or supervision of any ecclesiastical body, or diocesan, or like ecclesiastical officer, may acquire for cemetery purposes, such land exceeding in quantity twenty (20) acres which shall be reasonably necessary for the members and families of any sect, or denomination residing within any ecclesiastical district, or diocese, whenever such cemetery is used by the members of the sect, or denomination, residing within said ecclesiastical district or diocese, and is not used exclusively by the members of any particular church, congregation, or society: *And, provided, further*, that no such property shall be used except in the manner expressed in the gift, grant, devise, or if no use, or trust, is so expressed, except for the benefit of the corporation, church, society, sect, or denomination for which it was intended, or for any religious, educational or eleemosynary purpose approved by such corporation, church, society, or ecclesiastical body, diocesan, or like ecclesiastical officer.

§ 46g. Any ecclesiastical body, or diocesan, or like ecclesiastical officer, may nominate and appoint two or more members of any sect, or denomination, residing in any ecclesiastical district, or diocese, over which such ecclesiastical body, or diocesan, or like ecclesiastical officer shall have jurisdiction, as trustees, who may become incorporated under sections 46a to 46h inclusive of this Act, and may hold, regulate and control any property devoted to eleemosynary, educational, cemetery or religious purposes (not exclusively belonging to, or used by, any particular congregation, church or society) for the use of all of the members of the sect, or denomination within said district or diocese, subject

to sections 46a to 46h, inclusive, of this Act, and subject to the usages, customs, rules, regulations, articles of association, constitution, by-laws or canons of such ecclesiastical body, diocesan, or like ecclesiastical officer. The number, term of office and qualifications of said trustees, their removal and succession and their powers, duties and manner of appointment, shall be regulated in the manner provided in section[s] 46a to 46h inclusive of this Act. An affidavit showing the appointment of such trustees made and executed in substantially the same manner and form as provided in section 46b of this Act shall be filed in the office of the recorder of deeds in the county in which such corporation is organized and also a duplicate copy in the office of the Secretary of State, whenever the district or diocese, under the jurisdiction of such ecclesiastical body, or diocesan, or like ecclesiastical officer, comprises more than any one county of this State.

It shall be the duty of the recorder and the Secretary of State to record such affidavits and said affidavits or copies thereof, duly certified by the recorder and Secretary of State, shall be received as evidence of the due incorporation of said organization. No affidavit of appointment after the first need be filed for record.

§ 46h. The word "trustees," whenever used in this Act, shall be construed to include wardens, vestrymen, or such other officers as perform the duties of trustee. The words "ecclesiastical body" shall be construed to include any synod, presbytery, conference, convention, council, episcopate, assembly, or any other regularly constituted body of a religious sect or denomination having jurisdiction or patronage of, or charge over, certain ecclesiastical districts, divisions or dioceses. The word, "diocesan" shall be construed to include any bishop, archbishop, administrator, or such other ecclesiastical officer as shall be appointed according to the usages, customs, rules, regulations or canons, of any sect, or denomination to preside over and administer the affairs of any ecclesiastical district or diocese.

§ 46i. Any congregation, church or society heretofore incorporated under the provisions of any law for the incorporation of religious societies, may become incorporated under the foregoing sections from 46a to 46h inclusive of this Act, in the same manner as if it had not previously been incorporated, in which case the trustees of the new corporation shall be entitled to, and invested with, all the real and personal estate of the old corporation, in like manner and to the same extent as the old corporation, subject to all the debts, contracts and liabilities.

§ 46j. Any church, congregation, society or corporation, heretofore or hereafter formed for religious purposes, or for the purpose of religious worship under any of the provisions of this Act or under any law of this State for the incorporation of religious corporations or societies may receive by gift, devise or purchase land not to exceed in quantity twenty (20) acres excepting such land as shall be reasonably necessary for educational and eleemosynary purposes, and make, erect, and build thereon such houses, buildings, or other improvements as may be necessary for the convenience, comfort and welfare of such church, congrega-

tion, society or corporation, and may lay out and maintain thereon a burying ground and may maintain and build thereon schools, orphan asylums, or such other improvements or buildings as may be necessary for the educational, eleemosynary, cemetery and religious purposes of such congregation, church, society or corporation; but no such property shall be used except in the manner expressed in the gift, grant or devise, or if no use or trust is so expressed, except for the benefit of the congregation, corporation, church or society, for which it was intended, or for such religious, educational or eleemosynary purpose as may be approved by such congregation, church, society or corporation or the ecclesiastical body having jurisdiction or patronage of or charge over such congregation, corporation, church or society.

§ 46k. Nothing contained in sections 46a to 46k inclusive of this Act shall be construed as limiting, restricting, or curtailing the rights or powers of any corporation to take or hold real or personal property which has been or may be incorporated under any general law of this State for the purpose of establishing or conducting a university, college, academy or other institution of learning, or as affecting or limiting in any particular the rights or powers granted to any such corporation by an Act entitled, "An Act to revise the law in relation to universities, colleges, academies and other institutions of learning," approved March 24, 1874, in force July 1, 1874.

APPROVED June 19, 1913.

UNION DEPOTS—CONSTRUCTION, ETC.

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| § 1. Organization—what articles shall contain. | § 4. Powers enumerated. |
| § 2. Articles of association presented to circuit court—petition of members—certificate of railroad companies. | § 5. Election of directors. |
| § 3. Certificate of incorporation—form—filing—fees. | § 6. Uniform terms for use of depot. |
| | § 7. Act of 1875 repealed. |

(SENATE BILL NO. 357. APPROVED MAY 28, 1913.)

AN ACT for the formation of corporations for the purpose of constructing, maintaining and operating union depots and to repeal "An Act authorizing the formation of union depots and stations for railroads in this State," approved April 7, 1875, in force July 1, 1875.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in order to facilitate the public convenience and safety in the transmission of goods and passengers from one railroad to another, and to prevent the unnecessary expense, inconvenience and loss attending the accumulation of a number of stations, any number of persons, not less than five, are hereby authorized to form themselves, or any two or more railroad companies may themselves form or join individuals in forming a corporation for the purpose of constructing, establishing and maintaining a union station for passengers or freight depots, or for both, in any city, town or place in this State,

with the necessary officers, and rooms convenient for the same and appurtenances thereto, and for that purpose may make and sign articles, in which shall be stated the number of years not to exceed fifty, the same is to continue, the city, town or place in which the same is to be located, and the amount of the capital stock of said company which shall not exceed fifty million dollars, the amount of each share of stock, the name and place of residence of its directors, which shall not be less than five nor exceed fifteen, who shall manage its affairs for the first year, and until others are chosen in their place, and shall also state the amount of stock taken by each subscriber.

§ 2. Any association of persons or corporations, desiring to become incorporated under the provisions of this Act, shall present the articles of association to the circuit court of the county in which such city or place is, or to the judge thereof in vacation, with the petition from such members for a certificate of incorporation under the provisions of this Act, to which petition shall be added or appended a certificate of at least two railroad companies who have tracks leading into said city, town or place, stating its public utility, and that they expect to make arrangements for its use when it shall be constructed, signed by the president of their respective companies.

§ 3. If the circuit court, or any judge thereof, in vacation, shall be satisfied that said certificate has been signed by such companies, then the said court or judges, upon filing the said petition, articles and certificate aforesaid, with the clerk of the court, shall grant to the said association a certificate of incorporation, which may be in the following form, to wit:

WHEREAS, A, B and C, etc. (stating the names), have filed in the office of the clerk of the circuit court their articles of association, in compliance with the provisions of an Act entitled, "For an Act for the formation of corporations for the purpose of constructing, maintaining and operating union depots and to repeal 'An Act authorizing the formation of union depots and stations for railroads in this State,' approved April 7, 1875, in force July 1, 1875," approved (stating day of approval), with their petition of incorporation, under the name and style of.....; they are therefore hereby declared a body politic and corporate, by the name and style aforesaid, with all the powers, privileges and immunities granted in the Act above named. By order of the circuit court (or judge thereof).

..... Attest.....
 Clerk of the circuit court of.....County.

And thereupon, upon filing the same, or a certified copy thereof, in the office of the Secretary of State, and upon payment of incorporation fees, the said association, from the time of such filing shall be a corporation under the laws of this State.

§ 4. Every corporation formed under this Act, in addition to the general powers conferred by the laws of the State in relation to corporations, shall have power—

First—To take and hold such real estate as it may aquire [acquire] either by conveyance to such corporation, or such as it may aquire [acquire] under the provisions of this Act by condemnation, and which shall be necessary for the transaction of its business.

Second—To take, occupy and condemn any land and real estate, or any interest therein needed for the establishment of such union station or depot, and necessary approaches thereto, and the same proceedings shall be had therefor as are now or may hereafter be provided by law, concerning the condemnation of lands for or by railroad companies in this State, so far as such laws are applicable to the purposes of this Act; and when so condemned, the said land, and any interest therein, shall belong to such corporation for the purposes of this Act: *Provided*, that nothing in this Act shall be construed to authorize the condemnation of depot grounds of any railroad which is not of the same gauge as those joining in the petition: *Provided, further*, that none of the provisions of this Act relating to the condemnation of lands shall extend to any land or lands to which any municipal corporation has title.

Third—With the consent of the corporation authorities of the city, town or place in which said station or depot is to be constructed, to have the right to lay the necessary track or tracks over, upon or under such streets or roads of said city, town or place as may be necessary to make the necessary connections with railroads proposing to use said union depot, and may, with such consent, also construct such station or depot under, over or upon any such streets or roads: *Provided*, that all injury, if any, that may be occasioned to the property fronting on any streets or roads, by the laying of any railroad tracks or the location of any depot upon such streets or roads, under the provisions of this Act, shall be assessed and the assessment paid into the city treasury to the use of the owners of the property so injured by the corporation so appropriating such streets or roads, before such corporation shall have the right to lay any track or locate any depot over, under or upon such streets or roads.

Fourth—From time to time to borrow such sums of money as may be necessary for the construction, completion and furnishing or repairing of such station or depot, and to issue or dispose of their bonds, for such amounts at such prices as they shall think proper, and to mortgage their corporate property and franchises for the purpose of securing the same.

Fifth—To open, from time to time, books of subscription to the remainder of the capital stock not taken by the subscribers to the articles of association. The General Assembly shall have power to enact, from time to time, laws to prevent and correct abuses and to prevent unjust discrimination and extortions in the management and prosecution of the business of any corporation formed under this Act and to enforce such laws by adequate penalties:

§ 5. After the directors named in the articles of incorporation shall have served for one year, there shall be an annual election of directors, to be conducted in the manner prescribed in the Constitution of this State. The directors so elected shall serve for the ensuing year, and

notice of such election, appointing a time and place, shall be given by the directors as originally constituted for the first annual election, and thereafter by their successors in office, which notice shall be published not less than twenty days previous thereto in some newspaper published in the English language, in the city, town or place in which said station or depot is located.

§ 6. There shall be no discrimination against or in favor of any railroad company using or desiring to use the said union depot, but the terms, conditions and regulations adopted for the use of the same shall be, so far as practicable, uniform, and apply alike to all railroads using or desiring to use said union depot.

§ 7. "An Act authorizing the formation of union depots and stations for railroads in this State," approved April 7, 1875, in force July 1, 1875, be and the same is hereby repealed.

APPROVED May 28, 1913.

WAGE LOAN CORPORATIONS—INCORPORATION.

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| § 1. How corporations organized. | § 8. Bond approved by county judge and filed with county clerk—when renewal necessary—when forfeited—penalties for violations of Act. |
| § 2. Capital stock and amount loaned limited. | § 9. Business in one county only. |
| § 3. Borrowing money—banking power prohibited. | § 10. Dividends annually. |
| § 4. Loans secured by an assignment of wages—rate—no additional charges. | § 11. Appointment of directors. |
| § 5. Contract involving additional charges forfeited—recovery of excess paid. | § 12. Annual report to auditor—duties of auditor. |
| § 6. Wage assignments securing notes void unless stated on notes. | § 13. Report of violations. |
| § 7. Account of loans—copy, statement and receipt to borrower. | |

(HOUSE BILL NO. 102. APPROVED JUNE 20, 1913.)

AN ACT to provide for the incorporation, management and regulation of wage loan corporations and to allow the loaning of money by such corporations secured by assignment of wages, and limiting the rate of compensation to be paid.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That corporations may be organized under and by virtue of this Act in the same manner as corporations for pecuniary profit under and by virtue of "An Act concerning corporations," approved April 18, 1872, in force July 1, 1872, as amended, except as otherwise herein provided.

§ 2. Corporations with a capital of not less than \$25,000.00 may be organized under the provisions of this Act in all cities for the purpose of loaning money on wage assignments, but in no case shall the amount loaned to any one person exceed the sum of \$250.00.

§ 3. Corporations organized under this Act shall be authorized to borrow money, not exceeding in the aggregate the amount of the capital stock: *Providing, however,* no such corporation shall have any banking power, whether of issue, deposit or discount, and shall not receive deposits of money nor loan money except as provided in this Act.

§ 4. Such corporations may loan money and take and hold as security for the payment of the same an assignment of the wages of the borrower, and may charge and collect not to exceed (3) per cent per month as interest or compensation for the use of such money. Beside the interest charge hereinbefore specified, no further or other charges for any services, or upon any pretext whatsoever by deductions in advance or otherwise, shall be asked, charged or in any way received, where the same would in any way operate to make a greater charge for the use of the money loaned than the aforesaid rate; and where made, any such additional charges shall be taken and held to be so much added interest.

§ 5. No contract of any kind or nature made under the provisions set forth in this Act, or in any way involving any security given to secure the performance of such a contract, shall be valid or of any force, virtue or effect, either at law or in equity, and all right or claim to or involving principal, interest and security, shall be absolutely forfeited, if there is therein or thereon directly or indirectly charged, accepted or contracted to be paid or received, either in money, goods, discount or thing in action, or in any other way, a greater benefit, compensation, rate of discount or interest, or fee than the rate specified in section 4 hereof; and if a greater benefit, compensation, rate of discount or interest is directly advanced or paid upon any such contract made as aforesaid by such corporation, the excess above the said rate specified in section 4 hereof so advanced or paid, may be demanded and recovered by the person who advanced or paid the same, his legal representatives or assigns, from the person or corporation, or their surety or sureties, either to whom or for whose use or benefit such payment, advance or any part thereof was made.

§ 6. All notes, the payment of which is secured by wage assignments shall state upon their face that they are so secured, and when assigned by the payee therein named, shall be subject to all defenses, existing between the payee and the payor of said notes the same as if said notes were held by the payee therein named, and any wage assignment securing notes which do not state upon their face to the fact of such security shall be absolutely void.

§ 7. The said corporation shall keep a correct account of all money loaned, the date of maturity of each loan, the rate charged, and the name and address of the borrower; and shall give to each borrower a true, legible and complete copy of each and every paper signed by him in connection with the loan, together with a statement of all charges made for said loan, the date of the note or other paper evidencing the loan and the date of its maturity. A receipt, plainly showing the amount paid by the borrower and the date of payment shall be given him whenever he makes any payment of principal or interest on his loan.

§ 8. No corporation organized under this Act shall enter upon or carry on the business of loaning money upon wage assignments until it shall have filed in the office of the county clerk of the county in which it is carrying on such business, or has its principal office, a bond in the

penal sum of \$5,000.00, executed by such corporation, as principal and with surety or sureties approved by the county judge of such county; which bond shall run to the People of the State of Illinois for the use of any person or persons who may have a cause of action against the obligor of said bond under the provisions of this Act, and shall be conditioned that the said obligor will conform to and abide by each and every provision of this Act and will pay to any such person or persons having a cause of action any and all moneys that would be due such person or persons from the said obligor under and by virtue of the provisions of this Act. Such bond shall be renewed every two years or oftener, whenever on a proper showing being made the same, in the opinion of the county judge, shall appear to be insecure or otherwise doubtful, and upon failure of the obligor in such bond to comply with the order of such county judge relative to the renewal of such bond, such corporation shall within thirty (30) days after the entry of such order discontinue the carrying on of business under this Act. Any wilful violation of this Act by any corporation organized under it, by which any person shall suffer or sustain loss or damage shall forfeit its right to do business, and the Attorney General of the State shall take the necessary legal measures to wind up and discontinue its business. Any director, officer or employee of any corporation organized under this Act, who shall charge, take or collect or receive compensation or interest on a loan beyond or in excess of the charges herein fixed, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not to exceed one hundred dollars (\$100.00), or be imprisoned in the county jail for not more than six (6) months, or both, for each offense.

§ 9. No corporation organized under this Act shall do business in any other county than the one in which its principal office is located.

§ 10. Any corporation organized under this Act may out of the profits realized out of its business, declare and pay to its stockholders an annual dividend of not to exceed six per cent (6) on its capital stock.

§ 11. The Governor of this State and the mayor of the city in which the principal office of said corporation shall be located shall each appoint one director, who shall not be a stockholder or employee of such corporation, whose term of office shall be two (2) years, unless sooner removed by the Governor or mayor who made the appointment, and said directors shall have the same power and authority as the other directors of the corporation. The number of directors of any such corporation shall not exceed nine.

§ 12. The president and directors of every corporation organized under this Act shall, annually in the month of January, file with the Auditor of Public Accounts of the State a full report of the business of the corporation for the previous year, expiring December 31, and shall give the names and the amount of shares of capital stock held by each stockholder of the corporation on the said date, which said statement shall be verified by the president and attested by the secretary. The Auditor of Public Accounts shall exercise all powers of examination and supervision of any corporation organized under this Act which he now

exercises over trust companies under the Act for regulating the administration of trusts by trust companies, approved June 15, 1887, in force July 1, 1887, and the fees prescribed to be paid by said Act shall apply to any corporation organized under this Act.

§ 13. Directors appointed by the Governor and the mayor shall, under oath, report to the Governor of the State any violations of any one of the provisions of this Act by the said corporation, or any of its officers or employees.

APPROVED June 20, 1913.

COUNTIES.

APPROPRIATIONS FOR SOIL AND CROP IMPROVEMENT.

§ 1. County boards empowered to appropriate funds for improvement of general agricultural conditions—limitation of amount—how paid.

§ 2. Report to county board.

(HOUSE BILL NO. 219. APPROVED JUNE 27, 1913.)

AN ACT to enable the county boards to appropriate funds for the use of soil and crop improvement association[s] of their several counties.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the county boards of the several counties of this State are hereby authorized and empowered to appropriate for the use of county soil and crop improvement associations, or any other like association organized for the improvement of general agricultural conditions, a sum not to exceed five thousand dollars (\$5,000.00) per annum, which is hereby declared to be for county purposes, and to be paid to the treasurer of such association as soon as the annual taxes shall have been collected in like manner as all other expenditures are authorized and expended by said boards.

§ 2. And it shall be the duty of the treasurer of such association receiving said money to prepare at least annually a complete and detailed statement or report of the manner in which said money shall have been expended, which said statement shall be signed by the president of said association, attested by its secretary, and sealed with its seal, if it have one, and file said report with the said county board.

APPROVED June 27, 1913.

COOK COUNTY COMMISSIONERS—TERM OF OFFICE.

§ 1. Amends section 1, Act of 1893.

§ 1. As amended, increases term of office to four years.

(SENATE BILL NO. 596. APPROVED JUNE 25, 1913.)

AN ACT to amend section 1 of an Act entitled, "An Act to revise the law in relation to election of county commissioners in Cook county and to fix their term of office," approved June 15, 1893, in force July 1, 1893.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an Act entitled,

"An Act to revise the law in relation to the election of county commissioners in Cook county and to fix their term of office," approved June 15, 1893, in force July 1, 1893, be and the same hereby is amended to read as follows:

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* On the first Tuesday after the first Monday of November, A. D. 1914, and every four years thereafter, there shall be elected by the legal voters of Cook county fifteen county commissioners who shall hold their office respectively for the term of four years and until their successors are elected and qualified. Their term of office shall commence on the first Monday of December after their election. Ten of said commissioners shall be elected from the city of Chicago by the legal voters of said city, and five of said commissioners shall be elected from the towns outside of said city by the legal voters of said town [s].

APPROVED June 25, 1913.

COURTS.

APPELLATE COURT REPORTS.

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| § 1. Establishes Illinois Appellate Court Reports. | § 6. Syllabus and index. |
| § 2. Who may publish official reports—bond—failure or refusal to comply with Act—suit on bond. | § 7. Specifications of printed volume. |
| § 3. Clerks of appellate courts to furnish opinions—fee—without cost to publisher. | § 8. Copyright, stereotype or electrotype plates—assignment to State—publication of reports by Secretary of State. |
| § 4. Clerks to furnish official publisher abstracts, etc.,—same to be returned. | § 9. Sale of single volumes. |
| § 5. Final decisions in writing—designation of what decisions published in full and what by abstract. | § 10. Sale of complete or broken sets. |
| | § 11. Free distribution—purchase by Secretary of State. |

(HOUSE BILL NO. 388. APPROVED JUNE 27, 1913.)

AN ACT to provide for and regulate the publication and distribution of the decisions of the appellate courts of this State, and to make them official.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be for the appellate courts in the State one series of reports to be known as the Illinois Appellate Court Reports to be numbered consecutively and to include the volumes known as Illinois Appellate Court Reports, and published prior to the publications of the first volume under authority hereof.

§ 2. The series of reports herein provided for shall be the official reports of said courts, and may be published by any person, partnership, company or corporation which shall have and maintain an office and place of business in the State of Illinois, and which shall comply with the provisions of this Act, and any person, partnership, company or corporation so complying with the provisions of this Act and publishing

the reports under the terms thereof shall be known as an official publisher. Any person, partnership, company or corporation desiring to receive the benefits of this Act shall file with the Secretary of State a good and sufficient bond to be approved by him in the sum of not less than fifteen thousand dollars (\$15,000) as liquidated damages payable to the people of the State of Illinois, conditioned for the faithful performance of the provisions of this Act in the publication of such reports under the conditions and under the terms hereof, and if any person, partnership, company or corporation receiving any of the benefits of this Act shall fail or refuse to give bond as required or when given to keep the same in full force and effect, or shall fail or refuse to comply with the provisions of this Act in other respects, it shall be the duty of the Secretary of State upon the request of any appellate court of this State to notify the Attorney General who shall at once bring suit on the bond of said publisher against him and his sureties and prosecute the same to judgment and final execution.

§ 3. The clerks of the appellate courts shall promptly furnish to any person, company or corporation desiring the same, within ten days from the date of the expiration of the time for a rehearing, the opinion of the judges of such appellate courts at a price not to exceed twenty-five cents per page: *Provided*, that however, the clerk[s] of such courts shall furnish, within ten days after the period for such rehearing has expired, to any official publisher as herein defined, the opinions of the judges of the appellate courts, without cost, mailing the same within such period of ten days to the office or place of business designated by such publisher in a written request, filed with the appellate court clerk; and it shall be the duty of any official publisher so furnished said opinions without cost to receive all said opinions unpublished at the time this Act goes into effect and which may be decided thereafter so long as said opinions are received under the terms of this Act and to publish the same within a period of not more than ninety days after the receipt of corrected proof from judges and after a sufficient number of opinions to constitute a volume shall have been delivered to such publisher.

§ 4. The clerk[s] of the appellate courts shall also furnish to any official publisher all abstracts, briefs and other papers filed in their respective offices and which are or may be necessary for the purpose of preparing the reports within the same time and upon the same terms as herein provided for the opinion[s], which shall be returned to such clerk[s] by the publisher receiving same upon the publication of the volume containing the opinion in such matter.

§ 5. Every final decision of each appellate court shall be reduced to writing by the court, and it shall be the duty of the court to designate which of such written decisions shall be published in full and which published by including an adequate abstract of such written decisions, but if any appellate court of this State shall fail to so designate within ten days from the date of the expiration of the time for rehearing then such decision[s] shall be published only in condensed form or by abstract: *Provided*, that should any appellate court fail to so designate then any

such decisions may be published in full by any official publisher, if the total number of volumes of appellate court reports published or to be published in any calendar year shall not exceed six volumes.

§ 6. Any official publisher shall carefully prepare and cause to be printed in connection with each decision so ordered to be published a full syllabus of the points decided by said decisions and shall also prepare and cause to be printed in each volume a full alphabetical index of the cases therein reported, preliminary announcement of similar character and extent to those now included in the reports known as Illinois Appellate Court Reports and a full and complete topical index of all points of law covered by decisions therein reported.

§ 7. Each volume of reports to be hereafter published shall contain not less than seven hundred pages and shall be of the same general character as the volumes of reports heretofore known as the Illinois Appellate Court Reports, the paper upon which the reports [may be printed] shall be clear white paper, super-sized and calendered, not less than fifty pounds to the ream, size 24x38 inches and binding shall be of standard law sheep or buckram without blemish or patches and the boards used in binding shall be good binders' boards, and shall be similar in size and appearance to the volumes of this series heretofore published.

§ 8. It shall be the duty of any publisher receiving the benefits of this Act to publish continuously under the terms thereof volumes of said reports in accordance with the terms of this Act and to make stereotype or electrotype plates of each and every volume of said Illinois Appellate Court Reports, and if at any time for a period of one year any publisher shall fail so to do the copyright and stereotype or electrotype plates made for volumes published under the provisions of this Act shall be and become the property of the State of Illinois upon payment to the said publisher of the cost thereof to be determined by any appellate court of this State and upon the determination thereof it shall be the duty of the Secretary of State to certify said account to the Auditor of Public Accounts, whereupon the same shall become payable out of the State treasury and it shall be the duty of said publisher to assign said copyright and deliver the plates of said volumes to the Secretary of State for the use of the State of Illinois. Said publisher shall thereupon cease to have any interest in or control over said copyright or plates. The Secretary of State shall thereupon cause such number of copies to be bound and printed at the expense of the State, as may, from time to time, be needed to supply the demand and shall sell the same at a price not to exceed one dollar and fifty cents per volume, accounting to the State for the proceeds. Such books, as printed and bound by the Secretary of State, shall be of the same quality as those theretofore published under the provisions of this Act.

§ 9. Any publisher receiving the benefits of this Act shall sell to residents of this State the current volumes of said report[s] published under the provisions of this Act, the first volume of which shall contain the decisions filed subsequent to July 1, 1913, at a price not to exceed one dollar and fifty cents per volume, not including transportation

charges. Any publisher so receiving the benefits of this Act shall sell to residents of this State any such volumes published under the provisions of this Act at a price of one dollar and fifty cents per volume at any time hereafter: *Provided*, all the volumes so published under the provisions of this Act up to and including the then current volume are purchased. Any such publisher shall also sell to residents of this State single back volumes or broken sets commencing with the first volume published under the provisions of this Act, at a price not to exceed two dollars per volume, not including transportation charges.

§ 10. Any publisher taking advantage of this Act, who shall be a publisher of or who shall have published any volume[s] of the Illinois Appellate Court Reports, or the decisions of the appellate courts other than the volumes published under the terms and conditions of this Act, in addition to furnishing the current volumes at the price and under the terms herein provided, shall furnish such other volumes to the residents of this State in complete sets at a price not to exceed two dollars per volume, or for single back volumes or broken sets not to exceed two dollars and fifty cents per volume, not including transportation charges.

§ 11. Upon publication of each volume of said reports, the Secretary of State shall secure from any official publisher for free distribution by him as follows, viz: Five copies to the Library of Congress, one copy to the President of the United States, one copy to each state and territorial library, one copy to each judge of the Supreme Court of this State, one copy to each judge of the circuit courts of the State, one copy to the judge of the superior court of Cook County, one copy to each judge of the county courts of this State, one copy to each judge of the city courts of this State, one copy to each municipal court judge in the city of Chicago, one copy to each State officer required to reside at the seat of government, five copies to be deposited in the library of the Supreme Court and one copy shall be deposited in the State Library. The Secretary of State is also hereby authorized to purchase as aforesaid single volumes to replace lost or destroyed volumes in the State or Supreme Court Library. For the purpose of carrying into effect the foregoing provisions the Secretary of State is hereby authorized and required to purchase a sufficient number of copies of said official Illinois Appellate Court Reports and of each and every volume from time to time as the same may be hereafter published at a price not to exceed one dollar and fifty cents per volume for the purposes provided as aforesaid. Said books shall be paid for when certified by the Secretary of State upon warrant of the Auditor of Public Accounts.

APPROVED June 27, 1913.

CIRCUIT COURTS—BOND AND RANDOLPH COUNTIES.

§ 1. Additional terms created.

§ 3. What cognizable, etc.

§ 2. Time of holding.

§ 4. No grand jury.

(SENATE BILL NO. 78. APPROVED May 2, 1913.)

AN ACT to create an additional term of circuit court in the counties of Bond and Randolph, and to fix the time of holding the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby created an additional term of circuit court in the county of Bond, and also an additional term of the circuit court in the county of Randolph.

§ 2. That said additional term of said court shall be held on the second Monday in the month of January in the county of Bond, and that said additional term of said court shall be held on the first Monday in the month of December in the county of Randolph, of each year.

§ 3. That all suits, writs and processes of every kind and nature, either civil or criminal, heretofore commenced, or pending in said circuit court, or that may be pending therein, at the time that this Act takes effect, shall be cognizable and triable at the first term after this Act takes effect.

§ 4. Providing that no grand jury shall be summoned at the January term therein in the county of Bond hereby created, or the December term in the county of Randolph hereby created, unless so ordered by the court.

APPROVED May 2, 1913.

CIRCUIT COURTS—GALLATIN COUNTY.

§ 1. Additional term created.

§ 3. What cognizable, etc.

§ 2. Time of holding.

§ 4. Emergency.

(HOUSE BILL NO. 445. APPROVED MAY 16, 1913.)

AN ACT to create an additional term of the circuit court in the county of Gallatin and to fix the time of holding the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby created an additional term of the circuit court in the county of Gallatin.

§ 2. That said additional term of said court shall be held on the first Monday of June of each year: *Provided*, that there shall be no grand or traverse jury summoned for said June term of said court, unless by special order of the judge of said court, which order may be made either in term time or in vacation.

§ 3. That all suits, writs and processes of every kind and nature, either civil or criminal, heretofore commenced, or pending in the said circuit court, or that may be pending therein at the time this Act takes effect, shall be cognizable and triable at the first term after this Act takes effect.

§ 4. WHEREAS, An emergency exists, therefore this Act shall take effect and be in force from and after its passage.

APPROVED May 16, 1913.

CITY COURTS—JUDGE FOR TWO CITIES.

§ 1. Amends section 21, Act of 1901.

§ 21. As amended, adds paragraph providing for election of one judge for each court.

(HOUSE BILL NO. 489. APPROVED JUNE 27, 1913.)

AN ACT to amend section 21 of an Act entitled, "An Act in relation to courts of record in cities," approved May 10, 1901, in force July 1, 1901; as amended by Act approved May 8, 1907, in force July 1, 1907.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section 21 of an Act entitled, "An Act in relation to courts of record in cities," approved May 10, 1901, in force July 1, 1901, as amended by Act approved May 8, 1907, in force July 1, 1907, be amended to read as follows:

§ 21. A city court consisting of one or more judges, not exceeding five, and not exceeding one judge for every fifty thousand inhabitants, or fraction of fifty thousand, and not less than three thousand, may be organized and established under this Act in any city which contains at least three thousand inhabitants, whenever the common or city council shall adopt an ordinance or resolution to submit the question whether such court shall be established, consisting of one or more judges, not exceeding five, as may be specified in such ordinance or resolution, to the qualified voters of such city, and two-thirds of the votes cast at such election shall be in favor of the establishment of such court. Where such court is established with more than one judge, each judge may hold a separate branch thereof at the same time, and when holding such separate branch, each judge may exercise all the powers vested in such court. Such election shall be held and conducted, the returns thereof made and canvassed, and the result declared in the same manner as other city elections. To discontinue and disestablish any such court, precisely the same mode of procedure shall be requisite and necessary, and be resorted to, as for the organization of such court. Save that the discontinuance and disestablishment shall not take effect until at the expiration of the term of office of the then judge of said court. In the event of the discontinuance and disestablishment of any such court, the clerk thereof shall transfer and deliver to the clerk of the circuit court of the county in which such city court is situated, all records, judgments and processes in possession of himself or any other officer of said court, and the circuit court shall thereupon acquire and be vested with jurisdiction in the matters to which said records, judgments, or process relate and may be dealt with as original records of such circuit court: *Provided*, it shall be lawful for the city council in any city where a city court has been established under this Act, and there is no judge or clerk of such court residing within such city, and such court has ceased to do business for two years or more, to pass an ordinance or resolution abolishing such court, and authorize the city clerk of such city to transfer and deliver the records, judgments, and processes of such court to the circuit court of the county in which such court is situated in like manner and with like effect, as if such had been transferred by the clerk of such city court:

And, provided, further, that in any city where a city court has been established with one judge, under this or any prior Act, that now has, or may hereafter have, a population exceeding fifty-three thousand (53,000) inhabitants, as ascertained by a census taken by authority of the city council, the city council may by ordinance or resolution provide for the election of an additional judge of such city court, and fix the time when such election shall be held: *Provided,* there shall not be more than two judges for said city court until the population of said city shall equal one hundred and three thousand inhabitants.

In any case where one judge has heretofore been elected by the electors of two cities as the judge of the city courts held in and for such two cities, there shall hereafter be elected by the electors of each of such cities, respectively, voting separately, one judge for each of such courts, the first election held hereunder to be held on the fourth Monday in February, A. D. 1915, and quadrennially thereafter, and the judges so elected to hold office for terms of four years, the terms of the judges first elected commencing at the expiration of the term of office of the present judge of such courts.

APPROVED June 27, 1913.

COUNTY COURTS—DE WITT COUNTY.

§ 1. Amends section 28, Act of 1874.

§ 2. Repeal.

§ 28. Terms in DeWitt county.

§ 3. Emergency.

(HOUSE BILL No. 310. APPROVED JUNE 26, 1913.)

AN ACT to amend section twenty-eight (28) of an Act entitled, "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section twenty-eight (28) of an Act entitled, "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time of holding the same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874, be and the same is hereby amended to read as follows:

§ 28. DeWitt, on the first Monday in February, June and October.

§ 2. All Acts or parts of Acts, in conflict herewith are hereby repealed.

§ 3. WHEREAS, An emergency exists, therefore, this Act shall take effect and be in force from and after its passage.

APPROVED June 26, 1913.

COUNTY COURTS—SCHUYLER COUNTY.

§ 1. Amends section 92, Act of 1874.

§ 2. Repeal.

§ 92. Terms in Schuyler county.

§ 3. Emergency..

(HOUSE BILL NO. 566. APPROVED JUNE 26, 1913.)

AN ACT to amend section 99 [92] of an Act entitled, "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section ninety-two (92) of an Act entitled, "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874, (as amended by Act approved May 22, 1877, in force July 1, 1877) be and the same is hereby amended so as to read as follows:

§ 92. Schuyler, January, April, July and October.

§ 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

§ 3. WHEREAS, An emergency exists, therefore, this Act shall take effect and be in force from and after its passage.

APPROVED June 26, 1913.

COUNTY COURTS—UNION COUNTY.

§ 1. Amends section 98, Act of 1874.

§ 2. Repeal.

§ 98. Terms in Union county.

(SENATE BILL NO. 673. APPROVED JUNE 27, 1913.)

AN ACT to amend section ninety-eight (98) of an Act entitled, "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874; as amended by an Act approved June 18, 1891.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section ninety-eight (98) of an Act entitled, "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time of holding same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874, as amended by an Act approved June 18, 1891, be and the same is hereby amended to read as follows:

§ 98. Union, second Monday of January, May and September.

§ 2. All Acts or parts of Act[s] in conflict [herewith] are hereby repealed.

APPROVED June 27, 1913.

MUNICIPAL COURT OF CHICAGO—REVISION.

- § 1. Provides for continuance as court of record—officers to hold over until successors qualified.
- § 2. Jurisdiction—classes.
- § 3. Proceedings same as circuit courts in like cases.
- § 4. Court held in two districts—territorial limits—branch courts to be held.
- § 5. Places in which branch courts shall be held.
- § 6. Seals.
- § 7. Stationery, etc., to be furnished by city—city to pay salaries.
- § 8. To consist of thirty-one judges, one of whom shall be chief justice—duties of chief justice—duties of associate judges—rules and regulations—to meet together once a month—salary.
- § 9. Election of judges—terms of office—vacancies.
- § 10. Who eligible as chief justice or associate judge.
- § 11. Oath.
- § 12. How number of associate judges may be increased—election—thirty-nine the limit.
- § 13. Interchange of judges.
- § 14. Clerk—election—term of office—duties—oath—bond—salary—commission—vacancy—appointment.
- § 15. Deputies to be appointed—salary—certain number to be shorthand reporters—charge for transcripts—oath—bond—removal—duties.
- § 16. Bailiff—term of office—duties—oath—bond—vacancy—appointment—salary.
- § 17. Deputy bailiffs—salary—oath—*ex officio* police officer.
- § 18. No gratuity to be received for performance of duty—not to be appointed receiver or guardian *ad litem*.
- § 19. Practice—appeal or writ of error.
- § 20. Judges may adopt rules regulating practice—Supreme and appellate courts shall take notice.
- § 21. How issues in cases in various classes shall be determined.
- § 22. Court may make proper provision where method of procedure is not sufficiently prescribed.
- § 23. Court shall take notice of all matters of general jurisdiction, also:
 (1) General ordinances city of Chicago and every municipal corporation, wholly or partly within city limits.
 (2) All laws of public nature of any state.
- § 24. Petit jury—fees—number.
- § 25. Duty of chief justice in regard to petit jury.
- § 26. Trial by jury—challenges—examination of jury.
- § 27. Charge to jury.
- § 28. Cases first and fourth class, where brought—may be transferred.
- § 29. How cases of first and fourth class commenced.
- § 30. Statement of plaintiff's claim—suits in tort—bills of particulars.
- § 31. Affidavit required in cases for recovery of money—exceptions.
- § 32. No statement of claim necessary in attachment, etc.
- § 33. Summons—attestation—provisions as to default printed on.
- § 34. Service of summons—return—how served.
- § 35. Alias or pluries summons—bond required.
- § 36. Notification by posting, mailing or publication in attachment, etc.
- § 37. Notice in civil cause—how made.
- § 38. Defendant's entry of appearance or affidavit of merits.
- § 39. Defendant's statement and affidavit of claim of set-off—plaintiff's affidavit of merits.
- § 40. Return of summons—call of cases—written appearance—default—judgment—damages.
- § 41. Trial by court—when demand for trial by jury.
- § 42. Time for trial.
- § 43. Filing of interrogatories—answer under oath.
- § 44. Insufficient answer or failure or refusal to answer written interrogatories.
- § 45. Examination of parties to suit.
- § 46. Judge may sign or make order at any place within city—exception.
- § 47. Chief justice to superintend preparation of calendars, etc.
- § 48. Amendments.
- § 48a. Proceedings in trial of right of personal property.
- § 49. Practice and procedure in cases of fifth class.
- § 50. Power to arrest.
- § 51. Power of judge to issue warrant, etc., in criminal or quasi criminal cases.
- § 52. Letting to bail—bond—regulations—setting aside forfeitures.

MUNICIPAL COURT OF CHICAGO—REVISION—*Concluded.*

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| <p>§ 52a. Arrests for improper use of motor or other vehicles, etc.—notice—release of person—exception.</p> <p>§ 53. Practice in proceedings against persons charged with criminal offenses—to prevent commission of crimes and search warrants.</p> <p>§ 54. Search warrants—form.</p> <p>§ 55. Examination of person charged with criminal offense—transcript of testimony.</p> <p>§ 56. Prosecutions of criminal cases.</p> <p>§ 57. When person committed for criminal offense set at liberty by court.</p> <p>§ 58. Practice and proceedings in bastardy cases.</p> <p>§ 59. Exceptions to rulings or decisions unnecessary.</p> <p>§ 60. Court always open—judgments, decrees, etc., how vacated, etc.</p> <p>§ 61. Review of final orders, judgments, etc.—practice and proceedings.</p> <p>§ 62. Review of final orders, etc., in cases of fourth and fifth class.</p> <p>§ 63. Admitted evidence, how made matter of record for review.</p> <p>§ 64. Reversal of orders or judgments.</p> <p>§ 65. Chief justice to superintend keeping of records and to prescribe forms.</p> <p>§ 66. Satisfaction of money judgments, orders or decrees.</p> <p>§ 67. Force and effect of judgments, orders or decrees.</p> <p>§ 68. Execution issued on judgment, order or decree.</p> | <p>§ 69. Citation in supplementary proceedings.</p> <p>§ 70. Proceedings supplemental to judgment.</p> <p>§ 71. Citation for examination before master in chancery or special commissioner.</p> <p>§ 72. Examinations in supplementary proceedings.</p> <p>§ 73. Costs in supplementary proceedings.</p> <p>§ 74. Service of order made in supplementary proceedings—other proceedings.</p> <p>§ 75. Clerk's fees.</p> <p>§ 76. Bailiff's fees, etc.</p> <p>§ 77. Witness' fees and mileage.</p> <p>§ 78. Other costs.</p> <p>§ 79. Advance payment of costs—how waived.</p> <p>§ 80. Costs criminal and quasi criminal cases.</p> <p>§ 81. Juror's fees—expenses of dieting and conveying prisoners.</p> <p>§ 82. Disposition of moneys collected.</p> <p>§ 83. Disposition and record of fees and costs.</p> <p>§ 84. Clerk has certain powers of justice of peace.</p> <p>§ 85. Offices of justices of the peace, etc., abolished—jurisdiction of courts.</p> <p>§ 86. Justices' dockets, etc., delivered to clerk—transcript—executions.</p> <p>§ 87. Invalidity of portion of Act.</p> <p>§ 88. Validation of former proceedings.</p> <p>§ 89. Referendum—form of ballot.</p> |
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(HOUSE BILL NO. 416. APPROVED JUNE 28, 1913.)

AN ACT in relation to the Municipal Court of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Municipal Court of Chicago as heretofore organized and established shall be continued as a court of record, the jurisdiction of which shall be exercised in the manner hereinafter prescribed by branch courts, each of which shall exercise all the powers in this Act declared to be vested in the municipal court. The judges, clerk and bailiff thereof shall continue to hold their respective offices during the terms for which they have been respectively elected and until their respective successors shall have been elected and qualified; but if there be any vacancy or vacancies in any of said offices at the time of the taking of effect of this Act, the same shall be filled as provided in this Act.

§ 2. Said municipal court shall have jurisdiction in the following cases:

First—Cases to be designated and hereinafter referred to as cases of first class, which shall include (a) all actions on contracts, express or implied, and actions on judgments, when the amount claimed by the plaintiff, exclusive of costs, exceeds one thousand dollars (\$1,000); (b) all actions of replevin, proceedings for the trial of the right of property and all other actions for the recovery of personal property when the value of the property sought to be recovered as claimed by the plaintiff exceeds one thousand dollars (\$1,000); and (c) all actions for the recovery of damages for the conversion of personal property, and actions for the recovery of damages for injuries to personal property, when the amount of damages sought to be recovered, as claimed by plaintiff, exclusive of costs, exceeds one thousand dollars (\$1,000).

Second—Cases to be designated and hereinafter referred to as cases of the second class, which shall include all cases of criminal nature of the grade of felony arising in the city of Chicago, except cases of treason and murder, and *habeas corpus* cases.

Third—Cases to be designated and hereinafter referred to as cases of the third class, which shall include all cases of criminal nature below the grade of felony arising in the city of Chicago, except *habeas corpus* cases.

Fourth—Cases to be designated and hereinafter referred to as cases of the fourth class, which shall include (a) all civil actions *quasi* criminal actions excepted, for the recovery of money only when the amount claimed by the plaintiff, exclusive of costs, does not exceed one thousand dollars (\$1,000); (b) all actions of replevin, proceedings for the trial of the right of property and all other actions for the recovery of personal property when the value of the property sought to be recovered does not exceed one thousand dollars (\$1,000); (c) all actions of forcible detainer, except as hereinafter in this section stated; and (d) all actions and proceedings of which justices of the peace are now given jurisdiction by law and which are not otherwise provided for in this Act, in which class of actions and proceedings the municipal court shall have jurisdiction when the amount sought to be recovered does not exceed one thousand dollars (\$1,000). In any action of the fourth class for the recovery of money only, judgment may be rendered for over one thousand dollars (\$1,000) when the excess over one thousand dollars (\$1,000) shall consist of interest or damages or costs accrued after the commencement of such action. Actions of attachment and distress for rent shall be deemed as of the first or fourth class as may be determined by the amount sought to be recovered and not by the value of the property attached or distrained. Actions of forcible detainer shall be deemed to be of the fourth class, except when there is joined with the claim for possession of the property demanded, a claim for rent or damages for withholding possession exceeding one thousand dollars (\$1,000). The amount involved in any action on a bond shall be determined by the amount actually sought to be recovered and not by the penalty of the bond.

Fifth—Cases to be designated and hereinafter referred to as cases of the fifth class, which shall include all *quasi* criminal actions, excepting bastardy cases.

Sixth—Cases to be designated and hereinafter referred to as cases of the sixth class, which shall include (a) all proceedings for the prevention of the commission of crimes; (b) all proceedings for the arrest, examination, commitment and bail of persons charged with criminal offenses; (c) all proceedings pertaining to searches and seizures of personal property by means of search warrants, and (d) bastardy cases.

§ 3. Both in direct and in collateral proceedings the same presumptions shall be indulged with respect to the jurisdiction of the municipal court over the subject matter of suits and over the parties thereto, and with respect to the regularity of the proceedings of said municipal court, as are indulged with respect to the jurisdiction and regularity of the proceedings of circuit courts in like cases.

§ 4. For the purpose of said municipal court the city of Chicago shall be divided into districts, which, until otherwise provided, shall be two in number and their territorial limits shall be as follows:

The first district shall comprise the entire city of Chicago, exclusive of the second district as hereinafter described.

The second district shall comprise the territory bounded as follows: Beginning at the point of intersection of the center lines of Cottage Grove avenue and Seventy-first street, in said city; running thence east along the center line of said Seventy-first street as extended into Lake Michigan to the eastern boundary line of the territorial jurisdiction of said city in said lake; thence along said boundary line in a southeasterly direction to a point where said boundary line intersects with the north extension of the eastern land boundary line of said city; thence south along said eastern land boundary line to the southern limits of said city; thence west along the southern boundary line of said city to a point where said southern boundary line would intersect with the center line of Cottage Grove avenue if extended due south to said southern boundary line; thence north along such extension of the center line of Cottage Grove avenue to a point where said center line intersects with the east and west half section line of section twenty-seven (27) in township thirty-seven (37) north, range fourteen (14) east of the Third Principal Meridian; thence west along said half section line to the east line of the Illinois Central railroad right-of-way; thence along the east line of said right-of-way in a northeasterly direction to a point where the east line of said right-of-way intersects with the center line of Ninety-fifth street; thence west along said center line of Ninety-fifth street to the center line of Cottage Grove avenue; thence north along the center line of Cottage Grove avenue to the place of beginning. As many branch courts shall be held in each district as may be determined by the chief justice of said municipal court to be necessary for the prompt and proper disposition of the business of said court: *Provided, however,* that at least one branch court shall be held in each district. Such branch courts may be given such designation by numbers or otherwise as may be determined by the chief justice.

§ 5. Said branch courts shall be held at such places in said city of Chicago as may be provided for that purpose by the corporate authorities thereof. If no place be provided by the corporate authorities of

said city for the holding of any branch court, or if the place so provided become unfit, said branch court may, by an order signed by the majority of the judges of said municipal court, and entered upon the records of said branch court, adjourn to or convene at a suitable place for holding said branch court, procured for that purpose by said judges, within the district in which the same is located and at such place may hold said branch court, until a suitable place therefor be furnished by said corporate authorities.

§ 6. Said court shall have seals for each district and may from time to time, as may be necessary, renew the same. The expense of said seals and renewing the same shall be paid by the city of Chicago.

§ 7. The clerk of the municipal court shall keep on hand and furnish to suitors and attorneys on application printed blank forms of *praecipies*, statements of claim, summonses, entries of appearance, affidavits, bonds, attachment writs, replevin writs, petitions for changes of venue, and all other necessary papers, for the use of the parties to suits in such court. Forms for such papers shall be prescribed by the chief justice of the municipal court. Expenditures for printing and distributing to the public statistics regarding the court and all blanks, books, papers, stationery and furniture necessary to the keeping of the records of the proceedings of such municipal court, and the transaction of the business thereof, shall be furnished the officers of such court at the expense of the city of Chicago. All other expenditures on account of such court that may be authorized by the city council, and that are not specifically mentioned in this Act, and all salaries of the judges and officers of said court shall be paid out of the city treasury.

§ 8. Said municipal court shall consist of thirty-one (31) judges, being the twenty-eight (28) heretofore specifically provided for by statute and the three (3) additional judges authorized by ordinance of the city council of the city of Chicago. One of said judges shall be chief justice and the remaining thirty (30) shall be associate judges. Each branch court shall be presided over by a single judge of the municipal court. The chief justice, in addition to the exercise of all the other powers of a judge of said court, shall have the general superintendence of the business of said court; he shall preside at all meetings of the judges, and he shall assign the associate judges to duty in the branch courts, from time to time, as he may deem necessary for the prompt disposition of the business thereof, and it shall be the duty of each associate judge to attend and serve at any branch court to which he may be so assigned, but the chief justice shall assign only such number of judges to the trial and disposition of cases of the first class mentioned in section two (2) of this Act, from time to time, as may not be needed for the prompt disposition of the other business of the court. Each associate judge shall, at the commencement of each month, make to the chief justice, under his official oath, a report in writing of the duties performed by him during the preceding month, which report shall specify the number of days' attendance in court of such judge during such month, and the branch courts upon which he has attended, and the number of hours per day of such attendance, for which the chief

justice shall cause suitable blanks to be prepared and furnished to the associate judges. Each judge shall be entitled vacations, which shall not exceed thirty-six days in all in one year, and which shall be taken at such time as may be determined by the chief justice. The chief justice must give his attention faithfully to the discharge of the duties especially pertaining to his office and to the performance of such additional judicial work as he may be able to perform. Each associate judge must perform his share of the labors and duties appertaining to the office. All judges sitting in the municipal court in the city of Chicago must be in attendance in the respective branches to which they are assigned in all districts, five (5) hours of each day, except Sunday, a public holiday, or a day upon which the inhabitants of the city of Chicago generally refrain from business, and each associate judge, while in the court room or in chambers, and not actually engaged in the performance of other official duties, must act upon any application for his official action properly made to him. At least one judge must be in attendance at some convenient branch court in the city hall of Chicago in the first district from 7:30 o'clock p. m. to 12:00 o'clock midnight, on each day of the week, except Sunday, for the admitting to bail persons arrested or detained in the county jail or city lockup. The chief justice may appoint such number of assistants, not exceeding four, as he may deem necessary, whose salaries shall be fixed by the majority of the judges: *Provided*, that the salaries of two of said assistants shall not exceed four thousand dollars (\$4,000) each per annum, and that the salaries of the remaining two of said assistants shall not exceed eighteen hundred dollars (\$1800) each per annum. Said assistants shall have power to administer oaths and shall perform such duties as may be required of them by the chief justice, but shall not exercise any judicial powers. It shall be the duty of the chief justice and the associate judges to meet together at least once in each month, excepting the month of August, in each year, at such hour and place as may be designated by the chief justice, and at such other times as may be required by the chief justice, for the consideration of such matters pertaining to the administration of justice in said court as may be brought before them. At such meetings they shall receive and investigate, or cause to be investigated, all complaints presented to them pertaining to said court, and to the officers thereof, and shall take such steps as they may deem necessary or proper with respect thereto, and they shall have power and it shall be their duty to adopt or cause to be adopted all such rules and regulations for the proper administration of justice in said court as to them may seem expedient.

The salaries of the chief justice and associate judges shall be fixed by the city council: *Provided, however*, that the salary of the chief justice shall not be less than ten thousand dollars (\$10,000) per annum, and that the salary of an associate judge shall not be less than six thousand dollars (\$6,000) per annum, and that the salary of no judge shall exceed the salary and compensation, fixed from time to time by law for a judge of the circuit court of Cook county, and that the salary of no judge shall

be increased or diminished during the term for which he shall have been elected: *And, provided further*, that until the fixing of the salaries by the city council the salary of the chief justice shall be ten thousand dollars (\$10,000) per annum, and the salary of an associate judge shall be six thousand dollars (\$6,000) per annum. Such salaries shall be payable in monthly installments out of the city treasury.

§ 9. The terms of office of the chief justice and associate judges of said court that have heretofore been elected shall extend during the respective periods for which they were elected and until their respective successors shall be elected and qualified. On the first Tuesday after the first Monday in November, A. D. 1914, there shall be elected ten associate judges as successors in office to the ten associate judges of said court whose terms of office will expire in the year A. D. 1914. Said associate judges so to be elected in the year A. D. 1914, shall enter upon the discharge of their duties on the first Monday of December following their election, and their terms of office shall extend from that time until the third Monday of April, A. D. 1921, and until their successors shall have been elected and qualified. On the first Tuesday of April, A. D. 1921, and on the first Tuesday of April every sixth year thereafter, there shall be elected ten associate judges as successors in office to the ten associate judges of said court so to be elected in the year A. D. 1914. On the first Tuesday after the first Monday in November, A. D. 1916, there shall be elected ten associate judges as successors in office to the ten associate judges of said court whose terms of office will expire in the year A. D. 1916. Said associate judges so to be elected in the year A. D. 1916, shall enter upon the discharge of their duties on the first Monday of December following their election and their terms of office shall extend from that time until the third Monday of April, A. D. 1923, and until their successors shall have been elected and qualified. On the first Tuesday of April, A. D. 1923, and on the first Tuesday of April every sixth year thereafter, there shall be elected ten associate judges as successors in office to the ten associate judges of said court so to be elected in the year A. D. 1916. On the first Tuesday after the first Monday in November, 1918, there shall be elected a chief justice and ten associate judges as successors in office to the chief justice and ten associate judges of said court, whose terms of office will expire in the year A. D. 1918. Said chief justice and associate judges so to be elected in the year A. D. 1918 shall enter upon the discharge of their duties on the first Monday of December following their election and their terms of office shall extend from that time until the third Monday of April, A. D. 1925, and until their successors shall have been elected and qualified. On the first Tuesday of April, 1925, and on the first Tuesday of April every sixth year thereafter, there shall be elected a chief justice and ten associate judges as successors in office to the chief justice and ten associate judges of said court so to be elected in the year A. D. 1918. The chief justice and associate judges of said court to be elected after the respective dates of election above provided for shall enter upon the discharge of their duties upon the third Monday of the month of April in which they shall have been elected, and shall hold office for the term of six years and until their

respective successors shall be elected and qualified. Whenever a vacancy occurs in the office of chief justice or associate judge of the municipal court, the chief justice or acting chief justice, as the case may be, shall forthwith notify the Governor thereof, who shall call an election for the purpose of filling such vacancy at the regular municipal, judicial or other general election which shall occur next after a period of sixty (60) days from the time such vacancies respectively occur, but where the unexpired term does not exceed one year, the vacancy shall be filled by appointment by the Governor. Whenever a vacancy occurs in the office of chief justice, or whenever the chief justice shall be absent from the city of Chicago, or incapacitated from acting, the associate judges shall select one of their number to act as chief justice until such vacancy shall be filled by election or appointment, as above provided for, or until the return of the chief justice, or until his incapacity ceases.

§ 10. No person shall be eligible to the office of chief justice or of associate judge of the municipal court unless he shall be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in the county of Cook and been there engaged, either in active practice as an attorney and counsellor at law or in the discharge of the duties of a judicial office, five years next preceding his election, or in one of said occupations during a portion of said time and in the other the remaining portion thereof, and shall, at the time of his election, be a resident of the city of Chicago.

§ 11. Every chief justice and associate judge of such municipal court, before he enters upon the duties of his office, shall take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of chief justice (or associate judge) of the municipal court of Chicago according to the best of my ability.

Said oath shall be filed in the office of the Secretary of State.

§ 12. Whenever two-thirds in number of the judges of the municipal court shall transmit to the city council of the city of Chicago a certificate signed by them that in the opinion of said judges the business of said municipal court is such as to require an increase in the number of the associate judges of said municipal court, said city council may, by ordinance or ordinances, provide for an increase of not more than nine in the number of said judges, who shall be elected, one-third for two years, one-third for four years and one-third for six years, at the next ensuing election, at which municipal court judges are to be elected hereunder. The judges elected in accordance with such ordinance or ordinances shall hold their offices for the said respective periods for which they shall have been elected and until their successors shall be elected and qualified, and every two years thereafter their respective successors shall be elected for the full term of six years. But, after the number of associate judges has been increased to thirty-nine (39) no subsequent increase thereof shall be made by the city council.

§ 13. The judges of said municipal court may interchange with judges of other city courts, and with county judges, and said respective judges may hold court for each other and perform each other's duties when they find it necessary or convenient.

§ 14. There shall be a clerk of said municipal court. The clerk of said court heretofore elected shall hold his office for the period for which he was elected and until his successor shall have been elected and qualified. On the first Tuesday after the first Monday of November, A. D. 1918, there shall be elected a clerk of said court as successor in office to the clerk of said court heretofore elected, who shall enter upon the discharge of the duties of his office on the first Monday of December following his election, and whose term of office shall extend from that time until the third Monday of April, A. D. 1925, and until his successor shall have been elected and qualified. On the first Tuesday of April, A. D. 1925, and on the first Tuesday of April every sixth year thereafter, there shall be elected a successor in office to such clerk, whose term of office shall begin upon the third Monday of April in which he shall have been elected and shall extend six years, and until his successor shall have been duly elected and qualified. He shall perform, with respect to said municipal court, the duties usually performed by clerks of courts of record. He shall give his personal attention to the performance of the duties of his office. He shall maintain an office in each district, and each office shall be kept open for the transaction of business from half-past eight o'clock a. m. to half-past five o'clock p. m. of each working day during the year, excepting that on Saturdays the clerk may close such of his offices as he may deem proper at one o'clock p. m.: *Provided, however,* that for the purpose of receiving and filing papers and issuing writs, and the performance of other work, the chief justice may require the attendance, during additional hours of each day, of such number of deputy clerks as may be necessary for that purpose. The clerk shall maintain in his principal office in the first district, a bureau of information to which any attorney at law or any party to any suit in said court may apply, either in person or by telephone, or otherwise, for any information respecting the proceedings in such suit, or the papers filed therein, which such attorney or party may deem necessary, and by means of which bureau such attorney or party may obtain such information without charge being made therefor: *Provided, however,* that the clerk shall not be personally responsible for any mistake made by any deputy clerk with respect to such information. It shall be the duty of the clerk, under the direction and supervision of the chief justice, to keep, from day to day, complete statistics of the work of his office. Until otherwise provided by the rules which may be adopted under the provisions of this Act, the powers, duties and liabilities, the oath of office and the bond and conditions thereof, of such clerk shall be the same, as near as may be, as those prescribed by law for clerks of courts by the Act entitled, "An Act to revise the law in relation to clerks of courts," approved March 25, 1874, and in force July 1, 1874. The amount of the bond to be given by the clerk shall

be fixed by a majority of the judges of said court and said bond shall be approved by the chief justice of said court and filed with the Secretary of State of the State of Illinois. The charges for the premium to be paid for the procuring of the bond shall be paid out of the city treasury. He shall be commissioned by the Governor. When a vacancy occurs in the office of clerk and the unexpired term exceeds one year, the judges shall appoint a clerk *pro tempore*, who shall qualify by giving bond and taking the oath required by law of the clerk, and thereupon such appointee shall perform all the duties required of a duly elected clerk of said court, and shall receive a like salary, and shall hold such office until some person is elected and qualified according to law to fill such vacancy. Whenever any such vacancy occurs, the chief justice shall forthwith notify the Governor thereof, who, upon receiving such notice, shall, as soon thereafter as may be practicable, issue a writ of election, as in other cases. When a vacancy occurs in the office of clerk and the unexpired term is less than one year, the judges shall appoint a clerk *pro tempore*, who shall qualify by giving bond and taking the oath as required by law of the clerk, and thereupon such appointee shall perform all the duties required of a duly elected clerk of said court and shall receive a like salary, and shall hold such office until some person is elected and qualified according to law to fill such vacancy. The salary of the clerk shall be fixed by the city council: *Provided, however*, that such salary shall not be less than six thousand dollars (\$6,000) per annum and that it shall not exceed the salary which may be fixed for an associate judge of the municipal court, and that it shall be neither increased nor diminished during the term for which the clerk shall have been elected: *And, provided, further*, that until the fixing of the salary by the city council the salary of the clerk shall be six thousand dollars (\$6,000) per annum. Such salary shall be payable in monthly installments out of the city treasury. The clerk may employ an attorney at a salary not to exceed five thousand dollars (\$5,000) per annum, to be fixed annually by a majority of the judges of the municipal court, which salary, together with all reasonable expenses incurred by the clerk in prosecuting or defending suits brought by or against him in his official capacity, shall be paid out of the city treasury.

§ 15. Said clerk shall appoint such number of deputies as may be determined, from time to time, by a majority of the judges of the municipal court by orders signed by them and spread upon the records of said court. The salaries of deputy clerks shall be fixed, from time to time, by orders signed by a majority of the judges of the municipal court and spread upon the records of the court, and shall be payable out of the city treasury in monthly installments: *Provided, however*, that the salary of the chief deputy clerk shall be four thousand dollars (\$4,000) per annum, and that the salary of two assistant chief deputy clerks shall be three thousand dollars (\$3,000) per annum each, and that the salary of one deputy clerk, to be known as auditor, shall be three thousand dollars (\$3,000) per annum, and that the salary of one

deputy clerk, to be known as secretary to the clerk of the municipal court, shall be eighteen hundred dollars (\$1,800) per annum, and that the salary of one deputy clerk, to be known as the information clerk, shall be two thousand five hundred dollars (\$2,500) per annum, and that the salaries of not more than four additional deputy clerks other than those who may be employed as shorthand reporters shall exceed eighteen *eighteen* hundred dollars (\$1800) per annum. Such number of deputy clerks so appointed as the judges may deem necessary shall be competent shorthand reporters, capable of correctly taking down stenographically and transcribing the proceedings of courts, and shall perform such duties with respect to attending upon the taking down stenographic reports of the proceedings of said courts as may be required by the judges, and for making and furnishing transcripts of their stenographic reports aforesaid, said deputy clerks shall be allowed to make such reasonable charge, not exceeding fifteen cents per hundred words, to the parties to whom such transcripts are furnished, as may be determined by the judges, and the judges may allow said deputy clerks to retain, as additional compensation for their services, such proportion as the judges may deem reasonable of the charges so collected, the balance of such charges to be accounted for by such deputy clerks in the same manner as costs collected by them. Such deputy clerks shall take the same oath or affirmation required of the clerk of said municipal court and shall give bonds to be approved by the chief justice of said court, conditioned, as near as may be, like the bond required of the clerk. The premium of said bonds, if the surety thereon shall be a surety company or companies authorized to do business in this State under the laws thereof shall be paid out of the city treasury: *Provided, however,* that the amount of said premium shall not exceed one-half of one per cent per annum on the amount of all bonds. Any deputy clerk shall be subject to removal for cause upon proper notice, hearing and proof, at any time by an order signed by a majority of the judges of the municipal court and spread upon the records of said court. Any deputy clerk may likewise be renewed by the clerk: *Provided, however,* that any deputy clerk so removed may be restored to his position as such deputy clerk by an order signed by a majority of the judges of the municipal court and spread upon the records of the court. The number of deputy clerks may be reduced at any time by an order signed by a majority of the judges of said municipal court and spread upon the records of said court.

§ 16. There shall be a bailiff of said municipal court. The bailiff of said court heretofore elected shall hold his office for the period for which he was elected and until his successor shall have been elected and qualified. On the first Tuesday after the first Monday of November, A. D. 1918, there shall be elected a bailiff of said court as successor in office to the bailiff of said court heretofore elected, who shall enter upon the discharge of the duties of his office on the first Monday of December following his election, and whose term of office shall extend from that time until the third Monday of April, A. D. 1925, and until his suc-

cessor shall have been elected and qualified. On the first Tuesday of April, A. D. 1925, and on the first Tuesday of April every sixth year thereafter, there shall be elected a successor in office to such bailiff, whose term of office shall begin upon the third Monday of April in which he shall have been elected and shall extend six years and until his successor shall have been duly elected and qualified. He shall perform, with respect to said municipal court, the duties usually performed by sheriffs in respect to attendance upon and service and execution of the process, and obedience of the lawful orders and directions of a circuit court. He shall give his personal attention to the performance of the duties of his office. He shall maintain an office in each district and each office shall be kept open for the transaction of business from half-past eight o'clock a. m. to half-past five o'clock p. m. of each working day during the year, excepting that on Saturdays the bailiff may close such of his offices as he may deem proper at one o'clock p. m. It shall be the duty of the bailiff, under the direction and supervision of the chief justice, to keep, from day to day, complete statistics of the work of his office. Until otherwise provided by the rules which may be adopted under the provisions of this Act, the powers, duties and liabilities, the oath of office, and the bonds and conditions thereof, of such bailiff shall be the same, as near as may be, as those prescribed by law for sheriffs, with respect to attendance upon, and service and execution of the process, and obedience of the lawful orders and directions, of a circuit court. The amount of said bond shall be fifty thousand dollars, and shall be approved by a majority of the judges of said municipal court, and shall be filed with the Secretary of State. The premium on said bond, if the surety thereon shall be a surety company or companies authorized to do business in this State under the laws thereof, shall be paid out of the city treasury: *Provided, however*, that the amount of said premium shall not exceed one-half of one per cent per annum on the amount of said bond. He shall be commissioned by the Governor. When a vacancy occurs in the office of bailiff and the unexpired term exceeds one year, the judges shall appoint a bailiff *pro tempore*, who shall qualify by giving bond and taking the oath as required by law of the bailiff, and thereupon such appointee shall perform all the duties required of a duly elected bailiff of said court, and shall receive a like salary, and shall hold such office until some person is elected and qualified according to law to fill such vacancy. Whenever any such vacancy occurs, the chief justice shall forthwith notify the Governor thereof, who, upon receiving such notice, shall, as soon thereafter as may be practicable, issue a writ of election as in other cases. When a vacancy occurs in the office of bailiff and the unexpired term is less than one year, the judges shall appoint a bailiff *pro tempore*, who shall qualify by giving bond and taking the oath required by law of the bailiff and thereupon such appointee shall perform all the duties required of a duly elected bailiff of said court and shall receive a like salary and shall hold such office until some person is elected and qualified according to law to fill such vacancy. It shall be unnecessary to

serve any process of summons upon the bailiff in any suit against him commenced in the municipal court. In lieu of the service of such process the clerk shall give notice in writing to the bailiff of the commencement of such suit at least three days before the day set for the trial of such suit and the bailiff shall thereupon forthwith enter his appearance therein, such entry of appearance to be made without any advance payment of costs. The salary of the bailiff shall be fixed by the city council: *Provided, however*, that such salary shall not be less than six thousand dollars (\$6,000) per annum and that it shall not exceed the salary which may be fixed for an associate judge of the municipal court and that it shall neither be increased nor diminished during the term for which the bailiff shall have been elected: *And, provided, further*, that until the fixing of the salary by the city council the salary of the bailiff shall be six thousand dollars (\$6,000) per annum. Such salary shall be payable in monthly installments out of the city treasury. The bailiff may employ an attorney at a salary of not more than five thousand dollars (\$5,000) per annum, to be fixed annually by a majority of the judges of the municipal court, which salary, together with all expenses incurred by the bailiff in prosecuting or defending suits brought by or against him in his official capacity, shall be paid out of the city treasury. All suits commenced by the bailiff or against him in his official capacity, and pending in any court at the time of the expiration of his term of office or at the time of his death, resignation or removal from office, and suits that may be commenced by or against him in his official capacity, shall be prosecuted or defended, as the case may be, by such bailiff or his legal representatives at the expense of the city of Chicago, and said necessary expense, together with such reasonable attorney's fees as shall be fixed by a majority of the judges of the municipal court, shall be paid out of the city treasury: *Provided, however*, that nothing herein contained shall be construed to require the city of Chicago to pay any judgment or costs recovered against the bailiff.

§ 17. Said bailiff shall appoint such number of deputies as may be determined from time to time, by a majority of the judges of the municipal court by orders signed by them and spread upon the records of said court. The salaries of deputy bailiffs shall be fixed, from time to time, by orders signed by a majority of the judges of the municipal court and spread upon the records of the court and shall be payable out of the city treasury in monthly installments: *Provided, however*, that the salary of the chief deputy bailiff shall be four thousand dollars (\$4,000) per annum, and that the salary of two assistant chief deputy bailiffs shall be two thousand five hundred dollars (\$2,500) per annum, each, and that the salary of one deputy bailiff shall be two thousand dollars (\$2,000) per annum, and that the salary of the secretary to the bailiff of the municipal court shall be two thousand dollars (\$2,000) per annum, and that the salary of no other deputy bailiff shall exceed eighteen hundred dollars (\$1,800) per annum. Such deputy bailiffs shall take the same oath or affirmation required of the bailiff of said municipal court and shall give

bonds. The premium on said bond, if the surety thereon shall be a surety company or companies authorized to do business in this State under the laws thereof, shall be paid out of the city treasury: *Provided, however*, that the amount of said premium shall not exceed $\frac{1}{2}$ of 1 per cent per annum on the amount of said bond, to be approved by the chief justice of said court conditioned, as near as may be, like the bond required of the bailiff. The bailiff and deputy bailiffs of the municipal court shall be *ex officio* police officers of the city of Chicago. Any deputy bailiff shall be subject to removal for cause upon proper notice, hearing and proof at any time by an order signed by a majority of the judges of the municipal court and spread upon the records of said court. Any deputy bailiff may likewise be removed by the bailiff: *Provided, however*, that any deputy bailiff so removed may be restored to his position by an order signed by a majority of the judges of said municipal court and spread upon the records of said court. The number of deputy bailiffs may be reduced at any time by an order signed by a majority of the judges of said municipal court and spread upon the records of said court. Every police officer of the city of Chicago, and of every board of park commissioners, whose territory is situated within said city, shall be *ex officio* a deputy bailiff of the municipal court, and shall perform from time to time such duties in respect to criminal and *quasi* criminal cases within the jurisdiction of said court as may be required of him by said court or any judge thereof: *Provided, however*, that the bailiff shall not be responsible for any of the acts of such *ex officio* deputy bailiff.

§ 18. Neither the clerk nor the bailiff nor any deputy clerk nor deputy bailiff of said municipal court shall receive, aside from the salary and the costs by this Act required to be paid to him in his official capacity, any money, property or other valuable thing, as a gratuity or otherwise, for the performance of any duty imposed upon him by virtue of his office, or for the performance of any work of any kind or character in any manner connected therewith. It shall be the duty of the judges of said municipal court to remove from office any deputy clerk or deputy bailiff who shall violate either of the provisions of this section. No clerk or bailiff, or deputy clerk or deputy bailiff, of the municipal court shall be appointed receiver or guardian *ad litem* in any suit therein pending.

§ 19. Until otherwise determined by rules of said court, and except as by this Act is otherwise prescribed, the practice and procedure in the municipal court shall be the same, as near as may be, as that which may from time to time be prescribed by law for similar suits or proceedings in circuit courts. Said municipal court shall be the sole judge of the applicability to the proceedings of said court of rules of practice and procedure prescribed by law for similar cases in circuit courts, and its decisions in respect thereto shall not be subject to review upon appeal or writ of error: *Provided, however*, that upon appeal or writ of error the Supreme Court or the appellate court, as the case may be, may grant relief from any such decision in any case where, in the opinion of the Supreme Court or appellate court, such relief is necessary to prevent a failure of justice.

§ 20. The judges of said municipal court shall have power, to adopt, in addition to the provisions herein contained prescribing the practice and procedure in said municipal court, or in lieu of any portion or portions of the provisions concerning practice and procedure in circuit courts, such rules regulating the practice and procedure in said municipal court as they may deem necessary or expedient for the proper administration of justice therein: *Provided, however*, that no such rule or rules so adopted shall be inconsistent with those expressly provided for by this Act. The adoption of said rules shall be accomplished by an order signed by a majority of said judges, which order, when made, shall be forthwith spread upon the records of the municipal court and shall be printed in pamphlet form, at the expense of the city. The Supreme Court and the appellate court, in cases brought before them from the municipal court, shall take judicial notice of the rules of practice from time to time in force in said municipal court.

§ 21. Until otherwise determined by rules of said court, the issues in cases of the first, fourth and fifth class shall be determined in said court without other forms of written pleadings than those hereinafter expressly prescribed or provided for. All cases of the second and third class shall be prosecuted by complaint or information in accordance with such rules as may be hereinafter prescribed or provided for, or in cases not herein otherwise provided for, by such rules of practice as may be prescribed by law for similar cases in the criminal court of Cook county.

§ 22. If the method of procedure in any case within the jurisdiction of the municipal court is not sufficiently prescribed by this Act or by any rule of court adopted in pursuance hereof, the court may make such provision for the conducting and disposing of the same as may appear to the court proper for the just determination of the rights of the parties.

§ 23. The municipal court shall take judicial notice of all matters of which courts of general jurisdiction of this State are required to take judicial notice, and also the following:

1. All general ordinances of the city of Chicago and all general ordinances of every municipal corporation whose territory is situated in whole or in part within the limits of the city of Chicago, and all ordinances of any municipal corporation remaining in force after the annexation of the territory of such municipal corporation, in whole or in part, to the city of Chicago, and of the legal publication of said ordinances.

2. All laws of a public nature enacted by any state or territory of the United States.

§ 24. The petit jurors for the trial of cases in said municipal court shall be provided by the jury commissioners of the county of Cook in the same manner and from the same lists, as near as may be, as petit jurors are provided for the circuit, superior and criminal courts of Cook county. The names of the necessary number of petit jurors required from time to time in said municipal court shall be furnished by said jury commissioners upon demand to the clerk of the municipal court and the venires

for such jurors shall be directed to and served by the sheriff of Cook county at the expense of said county, and the fees of said jurors shall be paid out of the city treasury. The number of petit jurors to be summoned from time to time shall be determined by the chief justice.

§ 25. It shall be the duty of the chief justice of the municipal court to cause to be interrogated all petit jurors summoned for service in the municipal court, and to cause to be enquired into the qualifications of said jurors and to reject from service as jurors all persons who do not appear to possess the qualifications required by law, and to cause the summoning of persons competent to serve as jurors. Said chief justice shall have power to postpone, from time to time, the period of service of any juror so summoned to any subsequent period, not more than six months from the time for which he shall have been summoned or notified to appear for service.

§ 26. In all cases tried by jury in the municipal court each party shall be entitled to a challenge of the same number of jurors, without showing cause for such challenge, as are allowed in similar cases in the circuit court and in the criminal court of Cook county, and challenges for statutory and other causes shall be allowed as in similar cases in the circuit court and in said criminal court of Cook county. It shall be the duty of the judge presiding at the trial to examine or cause to be examined all jurors called into the jury box in any case with respect to their statutory qualifications to serve as petit jurors in such case, unless said examination shall have been previously made as above provided, and to permit the plaintiff and the defendant to propound to the jurors such pertinent questions as may be necessary for the purpose of ascertaining whether the jurors are biased or prejudiced; but on appeal or writ of error to review any judgment of said municipal court in any case tried therein by a jury, no assignment of errors shall be allowed which shall call in question any ruling of the court pertaining to or connected with the impaneling of the jury, other than one improperly restricting the right of a party to examine the jurors as to bias or prejudice, or improperly overruling a challenge by a party of a juror for bias or prejudice.

§ 27. In trials by jury in the municipal court, the court shall charge the jury as to the law only, and the charge may, in the discretion of the court, be given orally or in writing; but when given orally it shall, at the request of either party, be taken down in shorthand, and a transcript thereof shall be made and shall be signed by the judge and filed in the cause in which such charge is given, and shall be made a part of the record in such cause.

§ 28. No suit of the first or fourth class shall be maintained in the municipal court unless the defendant, if there be but one defendant, is found, in a case of the first class, within the city of Chicago, or, in a case of the fourth class, within the district in which the suit is brought, but when in a case of the fourth class, there are two or more defendants, one of whom is served with process within the district in which the suit is brought, such summons or other writ may be served at any place in the city of Chicago: *Provided, however,* that no judgment shall in any case

of the fourth class, be rendered against any defendant served with process outside of the district in which the suit is brought unless judgment be also rendered against a defendant served within such district. But all cases of the first class and all suits against municipal corporations shall be brought in the first district. The provisions of this section shall not apply to cases of attachment, garnishment, replevin, distress for rent, forcible detainer or trial of the right of property, which suits may be brought in the municipal court where the property, or any part thereof, to be affected, or any garnishee is found, in a case of the first class, within the city of Chicago, or, in a case of the fourth class, within the district in which such suit is brought, and in any such case of the fourth class, if the property or any part thereof to be affected, or any garnishee be found within the district in which suit is brought, process may be served upon any defendant or garnishee at any place within the city of Chicago. When, upon the complaint of any defendant, it shall be made to appear to the municipal court in any district that the suit has been improperly brought therein, the court shall not be required on that account to dismiss the suit if the municipal court in any district could properly have jurisdiction thereof, but in such case the court may cause such suit to be transferred to the proper district, and the court in the district to which the same is transferred shall proceed therewith as if the same had been originally commenced in said district: *Provided, however,* that the court may, in its discretion, require the plaintiff to pay the costs of the defendant paid by him prior to such transfer: *And, provided, further,* that whenever a trial by jury is demanded in any case, whether civil, criminal, or *quasi* criminal, the court may, in its discretion, direct the trial of said case to be had in the first district, and for that purpose may cause said case to be transferred to the first district to be there tried and disposed of.

§ 29. Until otherwise provided by the rules of the municipal court, cases of the first and fourth class shall be commenced and prosecuted in said municipal court in the same manner in which similar suits and proceedings are required to be commenced and prosecuted in the circuit courts, except as is herein otherwise prescribed. Every such case of the first or fourth class, except cases of attachment, replevin, garnishment, distress for rent, forcible detainer, trials of the right of property, and confession of judgment brought in the municipal court shall be commenced by the filing by the plaintiff with the clerk of a *praecipe* for a summons specifying the names of the parties to the suit, the amount of the plaintiff's claim and date at which the summons shall be made returnable. In a case of the fourth class there shall also be filed with such *praecipe* a statement of plaintiff's claim; in a case of the first class the plaintiff shall file such statement of plaintiff's claim within three days after the commencement of the suit; in default whereof the suit shall be dismissed unless the court, by an order entered in said suit, shall extend the time for filing such statement of claim. No *praecipe* need be filed or summons issued or served in the case of the

confession of a judgment, but a statement and affidavit of claim shall be filed and such judgment may in all other respects be confessed in the same manner, as near as may be, as in a similar case in the circuit court.

§ 30. The statement of plaintiff's claim, if suit be upon a contract, express or implied, shall consist of a statement of the account or of the nature of the demand; or, if suit be for a tort, it shall consist of a brief statement of the nature of the tort and such further information as will reasonably inform the defendant of the nature of the case he is called upon to defend; but nothing herein contained shall be construed to require the statement of claim in any action to set forth the cause of action with the particularity required in a declaration at common law. The municipal court may adopt such rules and regulations as it may deem necessary to enable the parties, in advance of the trial, to ascertain the nature of the plaintiff's claim or claims, or of the defendant's defense or defenses.

§ 31. In first and fourth class cases for the recovery of money only, and in actions of forcible detainer where a claim for rent or damages is joined with a claim for possession of the property demanded, the plaintiff shall file with his statement of claim, or with his complaint in forcible detainer so demanding rent or damages as aforesaid, an affidavit sworn to by the plaintiff or by his agent or attorney showing the nature of his demand or verifying the statement of claim, or complaint in forcible detainer and showing the amount due from the defendant after allowing to the defendant all his just credits, deductions and set-offs, if any: *Provided*, that in cases for the recovery of unliquidated damages such affidavit need not state the amount of damages claimed: *And, provided, further*, that in suits brought by municipal corporations, executors or administrators, no affidavit of claim need be filed.

§ 32. In attachment, garnishment, replevin, distress for rent and forcible detainer cases, no statement shall be necessary. An affidavit for attachment, garnishment, replevin, copy of the distress warrant and complaint in forcible detainer shall be the only written pleadings required, except such written pleadings or statements as may be required from time to time by the rules of the municipal court. In garnishment cases the party for whose use the proceedings are instituted shall be designated plaintiff, the judgment debtor shall be designated defendant and the party upon whom garnishment process is served shall be designated garnishee.

§ 33. Upon the filing of such *præcipe* or *præcipe* and statement of claim, the clerk of the court shall issue a summons, which shall state the amount of the plaintiff's claim, the day and hour when and the place where the defendant is required to appear, and shall be attested in like manner as a summons or other writ issued out of any other court of record: *Provided*, it shall not be necessary to issue any summons in case the defendant is to be notified by publication or posting of notices. Upon every summons in a case of the fourth class, there shall be printed in plain type the provisions of this Act pertaining to defaults in case of the non-appearance of the defendant, and setting

of the case for trial in case of appearance, and such other information as may be prescribed by the chief justice; and in a case of the fourth class there shall be attached to the copy of any summons served upon the defendant, a copy of the plaintiff's *praecipe* and statement of claim and of plaintiff's affidavit of claim.

§ 34. Any summons or other writ, so issued, shall be directed to the defendant, and shall be returnable at such time between 9:30 o'clock a. m. and 3:00 o'clock p. m. as may from time to time be ordered by the chief justice of said court, of any day on which the court may be open for business, and shall be made returnable not less than five nor more than fifteen days after the date thereof.

First—Any summons or other writ issued out of the municipal court shall be served upon the defendant by the same method and in the same manner as if the summons or other writ had issued out of the circuit court, and shall be served by the bailiff of said court unless other provision of law be made therefor.

Second—Until otherwise provided by law, an incorporated company may, in a case of the first class, be served with process by leaving a copy thereof with its president, if he can be found in the city of Chicago, and if he shall not be found in the city of Chicago, then by leaving a copy of the process with any clerk, secretary, superintendent, general agent, cashier, principal, director, engineer, conductor, station agent, or any agent of said company found in the city of Chicago; such company may, in a case of the fourth class, be served with process by leaving a copy thereof with its president, if he can be found in the district in which the suit is brought, and if he shall not be found in such district, then by leaving a copy of the process with any of said officers or agents above named, if any one of them can be found in said district.

Third—Until otherwise provided by law, the receiver or receivers of an incorporated company, or a trustee or trustees operating, managing or controlling a railway, may in a case of the first class, be served with process by leaving a copy of such process with such receiver, receivers, trustee or trustees, if he or they can be found in the city of Chicago, and if he or they shall not be found in the city of Chicago, then by leaving a copy of such process with any clerk, secretary, superintendent, general agent, engineer, conductor, station agent or any agent in the employ of such receiver, receivers, trustee or trustees who may be found in the city of Chicago. Such receiver, receivers, trustee or trustees may, in a case of the fourth class, be served with process by leaving a copy thereof with such receiver, receivers, trustee or trustees, if he or they can be found in the district in which the suit is brought, and if he or they shall not be found in such district, then by leaving a copy of the process with any of said officers or agents above named, if any one of them can be found in said district.

§ 35. It shall be the duty of the bailiff or other officer having any summons or other writ in any civil case to serve the same at least three (3) days before the return day mentioned therein, and if the same shall

not be so served, it shall be returned immediately after the expiration of the third day prior to such return day, provided any writ of attachment or replevin may be levied upon property at any time prior to such return day. Whenever it shall appear, by the return of the officer having any summons, writ of attachment or writ of replevin, that any defendant or garnishee is not found or that property sought to be replevined or levied upon has not been replevined or levied upon, the clerk shall, at the request of the plaintiff, issue another summons or other writ, as the case may be, and so on until service is had upon the defendant or garnishee or the property sought to be replevined or levied upon is in fact replevined or levied upon. Any such *alias* or *pluries* summons or other writ shall be issued, be made returnable and served in the same manner as in the case of original summons or other writ: *Provided, however,* that no *alias* or *pluries* writ of replevin or attachment shall be issued unless the replevin or attachment bond filed in the cause shall secure against illegal acts in the levying of such *alias* or *pluries* writ, the same as it is required to secure against such acts in the levying of an original writ.

§ 36. If the plaintiff, his agent or attorney shall file in any attachment, replevin, distress for rent or forcible detainer suit an affidavit stating that the defendant is not a resident of this State, or has departed from this State, or on due inquiry cannot be found, or is concealed within this State so that process cannot be served upon him, and also stating the place of residence of the defendant, if known, and if not known, that upon diligent inquiry the affiant has not been able to ascertain the same, then if the case be an attachment or distress for rent case and the amount claimed by the plaintiff, exclusive of costs, does not exceed two hundred dollars, or if the case be a forcible detainer case and no claim for rent is joined with the complaint for possession, the defendant may be notified by posting or posting and mailing of notices, as provided in the next section of this Act; but if the case be an attachment or distress for rent case and the amount claimed by the plaintiff, exclusive of costs, exceeds two hundred dollars, or if the case be replevin, the defendant may be notified by publication or publication and mailing of notices as provided in the next section of this Act; if the case be one of the trial of the right of property or any other case where others interested in the litigation should be notified, such notice to the defendant and others interested shall be given as shall be ordered by the court.

§ 37. Whenever in any civil cause notice by publication is required or proper to be given to any defendant, it shall be the duty of the clerk of said court to give notice by publication at least once in each week for three weeks successively in some newspaper of general circulation published in said city of Chicago, which notice shall be directed to the defendant, shall state the nature of the process against the defendant, at whose instance issued, the amount claimed to be due, if for a money demand, the time and place of trial, and shall also state that unless said defendant shall appear at the time and place fixed for trial, judgment will be entered by default, and shall also state the character of the judgment that will be rendered in said cause and of the execution that will

be issued thereon, and the clerk of the court shall mail to each of the defendants at their last known places of residence, as stated in the affidavit filed as a foundation for said publication, a copy of said notice within ten days after the first day of the publication of the same. Whenever in any civil cause, notice by posting is required or proper to be given to any defendant, said notice shall be in the name of the clerk of the court, be directed to the defendant, shall state the nature of the process against the defendant and at whose instance issued, the amount claimed to be due if for a money demand, the time and place for trial, and shall also state that unless said defendant shall appear at the time and place fixed for trial, judgment will be entered by default, and shall also state the character of the judgment that will be rendered in said cause and of the execution that will be issued thereon, three copies of which notice the bailiff shall post in three public places in the neighborhood of the court where said cause is to be tried, at least ten days prior to the day set for the trial, and if the place of residence of the defendant is stated in any affidavit on file, the bailiff shall at the same time mail one copy of the notice addressed to such defendant at such place of residence, and on or before the day set for trial said bailiff shall file said notice with an endorsement thereon, stating the time when and places where he posted and to whom and at what address he mailed copies as herein required. For want of sufficient notice, any cause may be continued from time to time until the court has jurisdiction of any defendant.

§ 38. The defendant, in case he shall have been served with process or notified to appear, as provided in the last preceding section of this Act, shall enter his appearance at or before the time so required for him to appear. In first and fourth class cases for the recovery of money only, he shall, if he makes a defense, file an affidavit sworn to by himself, his agent, or attorney, or by some other person who has knowledge of the facts, stating that he verily believes that the defendant has a good defense to said suit upon the merits to the whole or a portion of the plaintiff's demand; or said affidavit may state that the defendant has evidence with which to controvert the plaintiff's demand, and that his defense is interposed in good faith and not for delay. Such affidavit shall specify the nature of such defense, whether by way of denial or by way of confession and avoidance, in such a manner as to reasonably inform the plaintiff of the defense which will be interposed at the trial. If the defense is to only a portion of the plaintiff's claim, the affidavit shall specify the amount of such portion according to the best of the affiant's judgment and belief. But no affidavit of merits shall be required of a municipal corporation, or of an executor or administrator defending on behalf of an estate: *Provided, however,* that any defendant may, in the discretion of the court, by order duly entered, be permitted to make his defense without filing any such affidavit of merits. If the defendant fails to enter his appearance or file an affidavit of merits required under the provisions hereof, the plaintiff shall be entitled to judgment as in case of default. Damages may be assessed on such

affidavit of claim or on such further evidence as the court may require. If the affidavit of merits is to only a portion of the plaintiff's demand, the plaintiff shall be entitled to a judgment for the balance of his demand and the suit shall thereafter proceed as to the portion of the plaintiff's demand in dispute as if the suit had been brought therefor, but in such case the court may make such order as to the costs of the suit as may be equitable.

§ 39. In case the defendant shall desire upon the trial to present any set-off or counterclaim, he shall file a statement thereof, which shall be accompanied by an affidavit of claim. Such statement and affidavit of claim of set-off shall comply in all respects with the provisions for the plaintiff's statement and affidavit of claim. Such statement of set-off or counterclaim shall in all cases be filed within the time allowed for filing of defendant's affidavit of merits, but the court may in its discretion extend the time for filing the same. The plaintiff, if he makes defense to said set-off or counterclaim, shall be required to file an affidavit of merits thereto within such time as the court may order, in the same manner and to the same extent and with the same effect that a defendant is required to file an affidavit of merits to the plaintiff's statement of claim; in default whereof said set-off or counterclaim shall be taken as confessed, and damages may be assessed on the affidavit of claim of set-off or counterclaim or on such further evidence as the court may require.

§ 40. Upon the return of any summons duly served upon the defendant, it shall be the duty of the court at the hour and on the day on which said summons is returnable or as soon thereafter as is practicable, to call said case or cause the same to be called. In case any defendant appears in person and desires to make defense to the suit, he shall be directed to sign and file a written appearance and shall be given such direction with respect to appearance and the defense of said suit as may be necessary or proper. In case the defendant does not appear in person and shall not have filed an appearance in writing, the plaintiff shall be entitled to judgment as in case of default. Upon such default the court shall assess the damages after hearing such evidence as the court may deem sufficient for that purpose.

§ 41. Every suit at law in the municipal court other than a case of the second, third or fifth class, or a bastardy case, shall be tried by the court without a jury unless the plaintiff, at the time he commences his suit, or the defendant, at the time he enters his appearance, shall file with the clerk a demand in writing of a trial by jury, which demand, however, may be withdrawn by the party filing the same at any time before the trial. If the plaintiff shall have filed a demand of a trial by jury as herein provided, the suit shall be tried by jury, unless both parties shall waive the same.

§ 42. If the defendant shall appear at the time specified in the summons or other writ or shall have entered his appearance in writing at or before the time so specified, the court shall, at such time, or as soon thereafter as practicable, fix a time for the trial thereof and such case

shall be tried at the time so fixed or as soon thereafter as the other business of the court will permit, and the court may make such orders in respect to the trial thereof as the court may deem proper and necessary for the protection of the rights of the parties, and the failure of the court to try or otherwise dispose of any case at the time which may be fixed therefor shall not operate as a discontinuance, but the same shall remain under the control of the court until the final disposition thereof.

§ 43. The municipal court, in any civil suit, except *quasi* criminal suit, pending therein, at any time before the trial or final hearing thereof, may permit the filing therein by any party to such suit of written interrogatories, and may require any party to such suit or any person for whose immediate benefit such suit is prosecuted or defended, or any director, officer, superintendent or managing agent of any corporation which is a party to the record in such suit to answer under oath all such interrogatories as the party to be interrogated might be required to answer if called as a witness upon the trial or hearing of such suit. The plaintiff, if he shall so elect, may file such interrogatories with the clerk at the time of filing his *praecipe* for a summons, a copy of which interrogatories shall be served upon the defendant in all cases where a copy of plaintiff's statement of claim is required to be served upon the defendant. Wherever said interrogatories are filed at the time of filing *praecipe*, the defendant shall answer said interrogatories at the time of filing his affidavit of merits, unless further time be given to him by the court. If the party so required to answer such interrogatories is a corporation, the answer shall be in the name of such corporation, and be under the oath of some officer or agent thereof having knowledge of the facts called for. The party filing such interrogatories shall not be concluded by the answers thereto, if he shall elect to introduce the same or any or either of them upon the trial or final hearing.

§ 44. If the court shall deem any answer to interrogatories insufficient, it may order the party filing the same to answer over; or if any party shall fail or refuse to answer, or shall answer insufficiently, interrogatories propounded to him as provided in the last section, the court may compel answers to such interrogatories by proceedings in contempt of court against said party.

§ 45. Upon the trial or hearing of any suit in the municipal court any party thereto or any person for whose immediate benefit such suit is prosecuted or defended, or the director or superintendent or managing agents of any corporation which is a party to the record in such suit may be examined upon the trial thereof as if under cross-examination at the instance of the adverse party or parties or any of them, and for that purpose may be compelled, in the same manner and subject to the same rules for examination as any other witness, to testify, but the party calling for such examination shall not be concluded thereby but may rebut the testimony thus given by counter testimony.

§ 46. Any judge of the municipal court shall have the power to sign or otherwise make any order in any suit pending in the municipal court at any place within the city of Chicago, whenever, in the opinion of such

judge, the granting of such order at such place is in furtherance of justice, and such order shall be as effective as though made in any court room of said court or in the chambers of said judge: *Provided, however,* that after the defendant shall have entered his appearance, no such order shall be made at any other place than a branch court of the district in which said suit is pending, without reasonable notice to the parties.

§ 47. The chief justice shall superintend the preparation of the calendars of cases for trial in said court and shall make such classification and distribution of the same upon different calendars as he shall deem proper and expedient. Cases shall be tried in such order and the calendars of cases shall be so arranged as may be determined by the chief justice or by rules of the court.

§ 48. Amendments shall be allowed in the municipal court the same as in circuit courts. A period of thirty days after the entry of any final judgment or order shall, for the purpose of such amendments, be deemed the same as a term of court at which a final judgment or order is entered in a circuit court.

§ 48a. Whenever any writ of execution or attachment issued out of any court of record or any distress warrant shall be levied upon personal property within the city of Chicago proceedings for the trial of the right of property therein may be instituted by the officer having such writ of execution or attachment in his possession, by the plaintiff in any such writ of execution, attachment or distress warrant, or by any person having any interest in said property, other than the defendant in such writ, or by such defendant when he claims that the property is exempt from execution, attachment or distress for rent, by virtue of the exemption laws of this State. The plaintiff in any such writ and the officer having the same in his possession, a claimant of ownership and lien holder or other person claiming under the same title, may join as plaintiffs in such proceedings, if they so desire. Said proceedings shall be instituted by the filing in the municipal court of a *praecipe* and statement of claim describing the property claimed and setting forth the names of all parties having any interest in or claim to said property, including the plaintiff in said writ and the officer having the same in his possession, all of whom shall be parties defendant to such cause if they be not joined as plaintiffs, and if there be persons interested in said property whose names are unknown, they shall be made parties defendant to said suit by the description of unknown owners of said property. If such proceedings be instituted by the plaintiff in said writ or the officer having the same in his possession, said statement of claim shall further state that the plaintiff has reasonable doubt as to the ownership of the property levied upon, or as to such officer's or other person's right to seize such property by virtue of said writ. Said statement of claim shall also state the places of residence of all defendants, if known, and if not known, that upon diligent inquiry the person that makes affidavit to said statement of claim has not been able to ascertain the same. Said statement of claim shall be verified by the affidavit of plaintiff, his agent or attorney. Upon the filing of such *praecipe* and statement of claim the clerk of said court shall issue a sum-

mons for service upon such defendants whose places of residence are stated in said statement of claim to be in the city of Chicago, which summons shall describe the property claimed and shall be made returnable within the same time and served upon the defendants in the same manner as in other cases, or if, in the opinion of the court, the emergency of the case requires it, and the interests of the parties will not be prejudiced, the court may order the parties to appear before the court for trial within such shorter time and upon such reasonable personal notice as to the court shall appear in accordance with justice. Unknown owners, defendants beyond the limits of the city of Chicago, and defendants whose places of residence cannot be ascertained, shall be given such notice of said proceedings as shall be ordered by the court. No pleadings shall be required on the part of the defendant. The proceedings in such case shall be conducted as emergency proceedings and shall be the same, as near as may be, as in cases of replevin, excepting that no bond shall be required of the plaintiff, nor shall there be any delivery of property to him in any case until after final judgment; but if said property be in the hands of the plaintiff as officer, by virtue of a levy thereon, the same shall be retained by him until final judgment. But the court may order said property to be sold by virtue of said writ if said property be perishable or the retaining of the same until final judgment would be unduly expensive to any of the parties to the cause, and in such case the proceeds of such sale shall abide the result of the court's judgment. Upon the trial the rights of all parties shall be determined and judgment shall be rendered accordingly, awarding the possession of the property according to the right. The court may compel the delivery of said property pursuant to such judgment by proceedings in contempt of court against any party before the court refusing to comply with the judgment thereof, or execution may be awarded for said property. The judgment in such case shall be a complete indemnity to such officer in selling or restoring such property. In case said cause be removed to a court of review the officer having such writ shall retain the property, unless the party claiming the same shall give bond with sufficient surety, to be approved by a judge of the municipal court, payable to the People of the State of Illinois, for the use of any party interested, for the delivery of such property, pursuant to the judgment of the court that shall finally pass upon said matter. The costs of said proceedings shall be taxed by the court according to the equities of the case.

§ 49. Until otherwise prescribed by rules of the municipal court, the practice and procedure in the municipal court in cases of the fifth class shall be the same, as near as may be, as is herein prescribed for cases of the fourth class, except that no affidavit of plaintiff's claim or affidavit of defendant's defense need be filed and except that when the facts constituting the offense complained of also constitute, in whole or in part, a violation of the criminal law of this State, the court may issue a warrant in the first instance against the defendant, upon the filing by some person of a complaint under oath that the offense has been committed, and that the complainant has just and reasonable grounds to believe that the defendant committed the offense. A warrant may be issued in the first

instance upon complaint and affidavit of any person that an ordinance has been violated, and that the person making the complaint has reasonable grounds to believe that the party charged is guilty thereof and will escape unless arrested, and stating the facts upon which such belief is based: *Provided*, the judge to whom application is made for such warrant shall be satisfied, after examining or causing to be examined under oath the party making the affidavit, that such arrest should be made; and any person arrested upon any warrant herein provided for shall, without unnecessary delay, be taken before the court to which such warrant is returnable and tried for the alleged offense. Any warrant may be served at any place within the city of Chicago, if the court, in its discretion, shall so direct.

§ 50. Any police officer of the city of Chicago, or of any board of park commissioners whose territory is situated in whole or in part within said city, or any conservator of the peace, shall have power to arrest or cause to be arrested with or without process, all persons who shall break the peace or be found violating any criminal law of the State or any ordinance of the city of Chicago, or any ordinance of any municipal corporation whose territory is situated, in whole or in part, within the limits of said city whenever such violation is, by such ordinance, made punishable by fine or otherwise. Any person arrested without warrant shall without unnecessary delay be taken by such officer to some convenient branch of the municipal court, and such police officer shall thereupon make and file a complaint in writing, under oath, against such defendant of the violation by such defendant of such ordinance, and such defendant shall thereupon be dealt with according to law in the same manner as if he had been arrested in the first instance under a warrant lawfully issued.

§ 51. Any judge of the municipal court to whom application is made for a warrant, search warrant, *capias* or writ of attachment, in any case of criminal or *quasi* criminal nature, when he is not presiding in court, shall have power and authority to issue such warrant, search warrant, *capias* or writ of attachment and sign the same with his own name as judge of the municipal court, and indorse thereon the amount of bail in which defendant shall be held, which warrant, search warrant, *capias* or writ of attachment, when so signed by the judge, shall have the same force and effect as if the same were issued and signed by the clerk of the court. Any complaint or affidavit received by such judge upon the issuance of such warrant, search warrant, *capias* or writ of attachment shall be filed with the clerk as soon as may be after the issuing of such warrant, *capias* or writ of attachment.

§ 52. Upon the arrest of any person for any criminal or *quasi* criminal offense within the jurisdiction of the municipal court, any judge of the municipal court, or any judge of the circuit or superior court of Cook county, shall have power to let such person to bail either before or after complaint or information filed; and in case of the arrest of any person for any *quasi* criminal offense, or for any offense when the punishment is by fine or imprisonment otherwise than in the penitentiary, the general superintendent of police or any captain or lieutenant

or sergeant of police of the city of Chicago, or any deputy clerk designated for that purpose by an order signed by a majority of the judges of the municipal court shall have power to let such person to bail either before or after complaint or information is filed. The bail bond in any criminal or *quasi* criminal case shall be conditioned for the personal appearance of the person arrested before a certain branch court of any other branch court to which the cause may be transferred at a time fixed in said bond for such personal appearance, and from day to day thereafter until the final judgment or order of the court, and in default of such personal appearance in any criminal case for the immediate payment of the penalty of said bond, and in any *quasi* criminal case for the immediate payment of any judgment that may be rendered in said case. The fact that bail or cash deposit in lieu thereof may have been taken to answer to a certain charge before the filing of any complaint or information and the complaint or information afterwards filed charge a different offense, either against the same or a different corporate authority, or that a bond may have been taken for either a larger or smaller amount than may have been required by order or rule of court, shall be no objection to its validity. Any bond so taken shall be signed by one or more sureties to be approved by such judge or officer, who shall be authorized and required to administer oaths for the purpose of ascertaining the sufficiency of the sureties. All bonds so taken shall be filed with the clerk of the municipal court at the branch court at which the person so arrested is required to appear. The exercise of the power hereby conferred of letting to bail shall be subject to regulations by such rules as may be adopted by a majority of the judges of the municipal court, as herein provided. But any person so arrested shall have the right to be brought immediately before the municipal court in the district in which he is arrested, or, if there be no judge then in attendance upon such court, before the municipal court in any other district at which there may be then a judge in attendance, to be dealt with by such court according to law. The court may by rule provide that any defendant arrested in any criminal case in which the punishment is by fine or imprisonment otherwise than in the penitentiary, or in any *quasi* criminal case, in lieu of giving other bail for his personal appearance or any person for said defendant, may deposit with the clerk or with the police officer letting such person to bail, to be by such police officer paid over to the clerk within twenty-four hours after such deposit is made, such sum of money as cash bail as by order or rule of court may be determined to be sufficient to secure his personal appearance at the time or times fixed therefor, such sum to be forfeited in case the defendant shall fail to appear in person at the time or times so fixed, and to be accounted for by the clerk of said court the same as if the defendant had executed a bail bond in the case in which the complaint or information is filed and such bail bond had been forfeited and collected: *Provided*, that in *quasi* criminal cases where the defendant does not appear as aforesaid, the judgment, if rendered against him, and costs shall be deducted from such cash deposit and the balance

returned to the person depositing same. If, upon an application made at any time within thirty days after any forfeiture provided for in this section, it shall be proved to the satisfaction of the court that the defendant's failure to so appear was the result of serious illness, or other unavoidable accident, the court may, by order, set aside any forfeiture of bail bond or cash deposit. Said clerk shall hold any money ordered forfeited as aforesaid during the time that such forfeiture is subject to be so set aside. Other proceedings for the forfeiture of recognizances and bail bonds in criminal and *quasi* criminal cases shall be the same, as near as may be, as provided for the forfeiture of recognizances and bail bonds in criminal cases in the criminal court of Cook county.

§ 52a. Whenever any person having an established residence or place of business within the city of Chicago shall be arrested in the city of Chicago for a violation within said city of any law in this State, or any ordinance of the city of Chicago, or of any board of public park commissioners whose territory is situated in whole or in part within said city, and the only offense charged or to be brought against said person shall be one growing out of the improper use of any motor or other vehicle, or animal attached to any vehicle, on any of the streets, boulevards or alleys within said city, if the person so arrested shall thereupon exhibit for inspection to the officer making such arrest his certificate of registration, or license to operate such vehicle, or in case he has no such certificate of registration, or chauffeur's or other license, he shall give his name and address and the name and address of the owner of such vehicle or animal, if the person so arrested is not the owner, the officer shall thereupon inspect the number plates or vehicle tax plates, or other means of identification submitted by the owner or driver of such vehicle and shall also take the name and address of the owner and driver of such vehicle, making proper note thereof, as well as of the number, if any, of the vehicle, and such officer shall thereupon give to the person so arrested (provided such person has an established residence or place of business within said city of Chicago) a written notice to be signed by such officer notifying said person arrested that a complaint or information for said offense will be filed against him in the municipal court of Chicago, and that said officer will have said complaint or information set for hearing before a certain branch of said court in the district where said arrest is made and where cases of like character are heard, naming the branch court and the hour and day of such hearing (which shall be at the hour of opening of court on the next succeeding court day after said arrest) and said officer shall, after the giving of said notice, release said person from custody and shall file a complaint of information in said court for said offense. Said court shall in such case take jurisdiction of said cause without the issuing of any warrant or *capias* against the defendant in such complaint or information. No warrant or *capias* shall issue against said defendant unless said defendant shall fail or refuse to appear in court at the time set for hearing. And in case said defendant shall fail or refuse to so appear, warrant, *capias* or summons shall issue against said defendant according to law. The officer

making such complaint shall state under oath, in said complaint or information, the facts as to the giving of said notice, stating the time and place when said defendant was notified to appear as aforesaid: *Provided*, this section shall not apply to any case of an arrest growing out of the driving of any such motor or other vehicle or animal attached thereto whereby any person is killed or injured.

§ 53. The practice in all proceedings in the municipal court for the arrest, examination, commitment and bail of persons charged with criminal offenses, proceedings to prevent the commission of crimes and proceedings pertaining to search warrants shall be the same, as near as may be, as is provided by law for similar proceedings before judges of other courts of record and justices of the peace, except as herein otherwise provided. The complaint, except as provided in section 51 of this Act, shall be filed with the clerk of the municipal court, who, when so ordered by the court, shall issue a warrant. Said warrant shall, in any proceeding to prevent the commission of crime, be directed to the bailiff, and in any proceeding for the arrest, examination, commitment and bail of any person charged with a criminal offense, shall be directed to the bailiff and to all sheriffs, coroners and constables within this State and shall require all such officers to forthwith take the person of the accused and bring him before the court. All proceedings in such cases shall be proceedings in court, instead of proceedings before a judge thereof, and all orders [entered] in such proceedings shall be orders of court, instead of orders of a judge thereof, and shall be entered of record as orders in other cases.

§ 54. Any search warrant issued by the clerk, or any judge of the municipal court, shall be directed to the bailiff commanding him to search either in the day time or the night time the house or place where the stolen property or other things for which he is required to search are believed to be concealed (which place and property or things to be searched for shall be particularly designated and described in the warrant), and to bring such stolen property or other things when found and the person in whose possession they are found before the municipal court.

§ 55. Upon the examination of any person charged with a criminal offense the court may, in its discretion, cause the testimony of the witnesses to be taken down in shorthand and transcribed and when so transcribed it may be certified by the judge as a true and correct transcript of such testimony, and when so certified it may be presented to the grand jury and be given the same force and effect by the grand jury as if the witnesses had appeared before the grand jury and orally testified.

§ 56. All criminal cases in the municipal court may be prosecuted by the Attorney General or state's attorney, or some other person, and when an information is presented by any person other than the Attorney General or state's attorney it shall be verified by affidavit of such person that the same is true, or that the same is true as he is informed and believes. Before an information is filed by any person other than the Attorney General or state's attorney, one of the judges of the municipal

court shall examine the information and may examine the person presenting the same and require other evidence and shall satisfy himself that there is probable cause for filing the same and so endorse the same. Every information shall set forth the offense with reasonable certainty, substantially as required in an indictment, and the proceedings thereon shall be the same, as near as may be, as upon indictment in the criminal court of Cook county, excepting as is by this Act otherwise provided. But criminal cases in which the punishment is by fine only may, in the discretion of the court, be prosecuted by complaint as is provided by law for the prosecution of criminal cases before justices of the peace. The prosecution of all criminal cases in the municipal court shall be conducted by or under the supervision of the state's attorney of Cook county, but in any case in which the state's attorney is disqualified from acting or is unable to act, the court may appoint some attorney at law of Cook county to act as prosecuting attorney in such case.

§ 57. Any person committed for a criminal or supposed criminal offense and not admitted to bail and not tried within four months after the date of arrest, shall be set at liberty by the court, unless the delay shall happen on the application of the prisoner or unless the court is satisfied that due exertion has been made to procure the evidence on the part of the people and that there is reasonable ground to believe that such evidence may be procured within the next sixty days, in which case the court may continue the case for such time as the court may deem necessary, not exceeding said sixty days: *Provided, however,* that if said person be not tried within said sixty days no further continuance shall be granted and said person shall be set at liberty by the court.

§ 58. The practice and proceedings in the municipal court in bastardy cases shall be as follows:

First—Whenever an unmarried woman, who shall be pregnant, or delivered of a child, which by the law would be deemed a bastard, shall file in the municipal court, if she be pregnant, or so delivered in the city of Chicago, or the person accused be found in said city of Chicago, her complaint in writing, under oath or affirmation, accusing a person of being the father of such child, the court shall order a warrant to issue against the person so accused and cause him to be brought forthwith before the court.

Second—Such warrant shall be issued to the bailiff and to all sheriffs, coroners and constables in the State of Illinois and may be executed by any officer in any county.

Third—If, upon the appearance of the defendant in any bastardy case, the woman be not delivered, and the probable date of the delivery is thirty days or more after the appearance of the defendant as aforesaid, it shall be the duty of the court to examine the woman upon oath or affirmation in the presence of the man alleged to be the father of the child, touching the charge against him. The defendant shall have the right to controvert such charge, and evidence may be heard as in case of trial before the county court. If the court shall be of the opinion that sufficient cause appears, it shall be the duty of the court to bind the person so accused

in recognizance with sufficient security, to appear before said court at a time after the probable date of the delivery of the child to which said cause may be continued, to answer to such charge. On neglect or refusal to enter into a recognizance with security, the court shall cause such person to be committed to the jail of the county of Cook, there to be held to answer to the complaint. If, at the time to which said cause may be continued said child be not born, or the mother be unable to attend court, said cause shall be further continued until she is able, and any recognizance entered into by the defendant to secure his appearance shall stand until the final disposition of the cause, unless the court shall order otherwise. After the birth of the child, the court shall cause an issue to be made up whether the person charged as aforesaid is the real father of the child or not, which issue shall be tried by a jury, unless the parties shall elect to waive a trial by jury, in which case the issue shall be tried by the court without a jury.

Fourth—Pending the trial of such issue, and the final disposition of the matter, if the defendant shall not have entered into a recognizance as aforesaid, prior to such delivery, the court shall require the defendant to enter into a recognizance, in such an amount and with such security as the court may deem just, for the appearance of the defendant from day to day until the entry of the final judgment.

Fifth—All further proceedings in the case shall be the same, as near as may be, as are provided by law for similar cases in the criminal court of Cook county.

§ 59. No exception to the rulings or decisions of the municipal court on any matter whatever, which appear to have been made against the objection of the party complaining thereof, shall be necessary to the right of any party to a review of such rulings or decisions in the appellate or Supreme Court upon their merits, but it shall be the duty of the appellate or Supreme Court, as the case may be, to decide such case upon its merits, notwithstanding no exceptions were taken in the municipal court.

§ 60. There shall be no stated terms of the municipal court, but said court shall always be open for the transaction of business. Every judgment, order or decree of said court final in its nature, shall be subject to be vacated, set aside or modified in the same manner and to the same extent as a judgment, order or decree of a circuit court during the term at which the same was rendered in such circuit court: *Provided*, a motion to vacate, set aside or modify the same be entered in said municipal court within thirty days after the entry of such judgment, order or decree. If no motion to vacate, set aside or modify any such judgment, order or decree shall be entered within thirty days after the entry of such judgment, order or decree, the same shall not be vacated, set aside or modified excepting upon appeal or writ of error, or by a bill in equity, or by a petition to said municipal court setting forth grounds for vacating, setting aside or modifying the same, which would be sufficient to cause the same to be vacated, set aside or modified by a bill in equity. Proceedings on such petition shall be the same, as near as may be, as in chancery,

or as may be prescribed by rules of the municipal court: *Provided, however*, that all errors in fact in the proceedings in such case, which might have been corrected at common law by the writ of error *coram nobis* may be corrected by motion, or the judgment may be set aside, in the manner provided by law for similar cases in the circuit court.

§ 61. The final orders, judgments and decrees of the municipal court in cases of the first class and bastardy cases, may be reviewed upon error or appeal. Cases of the second, third, fourth and fifth class shall be reviewed by writ of error only. Writs of error to the municipal court in all criminal cases below the grade of felony shall be taken directly to the appellate court, and in all criminal cases above the grade of misdemeanors and cases in which a franchise or freehold or the validity of a statute or a construction of the constitution is involved, and in cases in which the shall certify that in his opinion the public interest so requires, and in all cases relating to revenue, or in which the State is interested as a party or otherwise, shall be taken directly to the Supreme Court. The time within which a writ of error may be sued out in any case of the fourth or fifth class shall be limited to thirty days after the entry of the final order or judgment complained of. The practice in cases of appeals from and writs of error to said municipal court in said cases shall, except as in this Act, or by rules of said court adopted in pursuance hereof, may otherwise be provided, be the same, as near as may be, as the practice in cases of appeals from and writs of error to circuit courts in similar cases. But no appeal shall be allowed in any case unless the same be prayed for within twenty days after the rendition of the order, judgment or decree appealed from, and no assignment of error in the Supreme Court or in the appellate court in any case shall be allowed which shall call in question the decision of the municipal court in respect to any matter pertaining to the practice in said court: *Provided, however*, that the Supreme Court or the appellate court, as the case may be, may grant relief from any error of the municipal court in respect to a matter of practice therein in any case where, in the opinion of the Supreme Court or appellate court, such relief is necessary to prevent a failure of justice.

§ 62. Any party to any case of the fourth or fifth class against whom there has been rendered any final order or judgment of the municipal court and who shall desire to obtain a review of such final order or judgment by a writ of error and who shall, for that purpose, also desire a stay of execution, may upon suing out of the Supreme Court or appellate court, as the case may be, a writ of error in such case and filing the same in the municipal court, obtain from the municipal court a stay of execution of such order or judgment for ninety (90) days after the entry thereof by the giving of a bond with a sufficient surety or sureties to be approved by a judge of the municipal court conditioned for the due prosecution of such writ of error and otherwise, as near as may be, as an appeal bond in case of an appeal from a similar order or judgment of a circuit court is required to be conditioned. No such bond, however, need be given in any case if the party suing out such writ of error shall not

desire a stay of execution. No other or further stay of proceedings or execution in any such case shall be allowed by the municipal court, but the Supreme Court or the appellate court, or any judge thereof, may allow a *supersedeas* as in other cases, but upon the allowance of any *supersedeas*, when any bond has been given as above provided, no additional bond shall be required, and such *supersedeas* shall be operative until the final determination of such writ of error. The party suing out any writ of error within thirty days after the entry of the order or judgment sought to be reviewed shall not be required to serve upon the opposite party any *scire facias* to hear errors, but in lieu thereof shall, within five days after the issuance of the writ of error, file the same with the clerk of the municipal court, and make to the Supreme Court or the appellate court, as the case may be, proof of such filing, and such writ of error so filed shall be notice to the opposite party of the suing out and prosecution of such writ of error.

§ 63. The evidence admitted and offered on the hearing of any motion or matter or on the trial of any cause in the municipal court, the rulings of the court thereon and any other proceedings not otherwise of record may be made matter of record for review by the appellate or Supreme Court, by being embodied in a statement of facts. Said statement of facts may be the stipulation of parties as to such facts as are deemed necessary or material to a proper review of the cause, a complete stenographic or other report of said evidence, rulings and proceedings, or such abstract or abridgment thereof as is deemed sufficient for a proper review of the cause. Said statement of facts may contain a stipulation as to part of the facts, a complete stenographic or other report as to other facts, or as to the testimony of certain witnesses, and an abstract or abridgment as to still other facts or as to the testimony of other witnesses. Concise statements of questions of law arising on any of said facts and the decisions of the court thereon may be inserted in said statement of facts. The originals of affidavits, depositions and exhibits, or copies thereof, may be inserted in said statement of facts, or may accompany the same or be identified by proper reference. Said statement of facts shall have attached thereto a certificate, signed by the judge before whom said proceedings were had, or otherwise, as provided in this section, authenticating the same as a statement of the facts in said cause, and where said statement is not a complete report as aforesaid, said certificate shall certify that said statement contains all such facts as are necessary or material to a proper review of said cause, or as are necessary or material to a proper review of certain questions involved in said cause. Said statement of facts shall be prepared and tendered to the judge for certification by the party desiring the review of any cause in the appellate or Supreme Court, within thirty days after the entry of the final judgment order or decree of the municipal court. But the time to file such statement of facts may be extended by successive orders of court, provided application for such extension shall be made during said thirty days or during any extension of the time to file the same. Any party deeming said statement of facts insufficient may prepare and

tender a supplemental statement of facts for certification within such time as may be allowed by order of court entered within thirty days after the filing of the original statement of facts. Any such statement of facts or supplemental statement of facts shall be deemed sufficiently authenticated if signed by the judge before whom the cause was tried, or the matter in question occurred, and in case the judge before whom the cause was tried, or the matter in question occurred, is, by reason of death, sickness, expiration of term of office, or other disability, unable to hear and pass upon a motion for a new trial in the cause and sign a statement of facts, or unable to settle said statement of facts and sign the same, then any other judge of the municipal court, if the evidence in such case is taken in stenographic notes, or if said judge is satisfied by any other means that he can pass upon such motion and sign a true statement of facts, shall pass upon said motion and sign such statement of facts; and his ruling upon such motion and signing of such statement of facts shall be as valid as if such ruling and signing had been made by the judge before whom such cause was tried or said matter occurred. But if said judge is satisfied that owing to the fact that he did not preside at the trial, or for any other cause he cannot fairly pass upon said motion and sign said statement of facts, then he may, in his discretion, grant a new trial to the party moving therefor. Such statement of facts, instead of a copy, shall be incorporated in any transcript of record to be filed in the Supreme or appellate court, and upon the final determination of the cause in such court shall be remitted to the municipal court.

§ 64. No order or judgment so sought to be reviewed shall be reversed unless the Supreme Court or appellate court, as the case may be, shall be satisfied, from the record in said cause, that such order or judgment is contrary to the law or the evidence or that such order or judgment resulted from substantial errors of said municipal court directly affecting the matters at issue between the parties, in which last mentioned case the Supreme Court or appellate court, as the case may be, may enter such order or judgment as in its opinion the municipal court ought to have entered, or it may reverse said order or judgment and remand the case to the municipal court for further proceedings.

§ 65. It shall be the duty of the chief justice of the municipal court to superintend the keeping of the records of said court. He shall have power and authority to prescribe abbreviated and amplified forms of entries of orders, judgments and decrees in said court, which abbreviated forms shall stand for and represent the respective amplified forms thereof. The entry by any branch court of any order, judgment or decree in such abbreviated form shall, to all intents and purposes, and in legal effect, be the adoption by the court so directing such order, judgment or proceeding to be entered, of the prescribed amplified form or part thereof used, data supplied in the blanks in said abbreviated form being likewise in legal effect supplied in said amplified form, the court having regard for and contemplating said amplified form with said data as the true order, judgment or proceeding of the court, when so directing the same to be entered in such abbreviated form. And in

such case any names, dates, amounts, or other words and figures that may accompany or be entered with such abbreviated form, shall be deemed to be, in legal effect, and to all intents and purposes, incorporated with said amplified form in the blank spaces therein as the context may require, and said amplified form, together with said names, dates, amounts and other words and figures as aforesaid, shall constitute the true proceedings and record thereof of the court, and may be fully carried into effect and the commands thereof executed, without any further elaboration or expansion of such abbreviated form. The commands of any such judgment, order or decree may be carried out and executed, liens thereof shall attach if such be the true legal import and effect thereof, and process may issue thereon immediately upon the same being rendered and before being entered of record, but the same shall be entered of record in abbreviated form or otherwise as soon after being rendered as practicable. And it shall constitute no objection to any such abbreviated form, that the same does not contain all the essential elements or matter contained in such amplified form, or that the words in said abbreviated form may be abbreviated. Said chief justice shall have power and authority to prescribe any rules and regulations concerning the adoption and use of any abbreviated and amplified forms or orders, judgments and decrees that are not inconsistent with this Act. Upon the preparation by the clerk of a certified transcript in amplified form of any proceedings in any cause that have been entered only in abbreviated form, or upon the request of any person for the extension in amplified form of any such proceedings and the payment to the clerk of the same fees as are required for a certified transcript, the clerk shall extend said proceedings in amplified form. Said proceedings so extended shall be accompanied by proper *placita* and preambles and shall be certified under the hand of the clerk and the seal of the court to be a true extended record of certain proceedings in such cause, which extended record, when so certified, shall have placed thereon the file mark of the clerk and shall be preserved as a permanent record among the files of the cause.

§ 66. Any money judgment, order or decree rendered by the municipal court, when no execution issued thereon is outstanding, may be satisfied by the payment by the party against whom the same has been rendered of the amount thereof to the clerk of said court, who, upon payment being made, shall enter satisfaction thereof and shall, upon demand, pay over the money received by him to the person appearing of record to be entitled thereto: *Provided*, if said money be paid to the clerk within five days after the date of the final judgment, order or decree in the cause, the clerk shall not enter said satisfaction of record until after the expiration of said five days.

§ 67. The judgments, orders and decrees of the municipal court shall have the same force, be of the same effect, be liens upon real estate or any interest therein in the city of Chicago, to the same extent and under the same circumstances, and be executed and enforced in the same manner as the judgments, orders and decrees of the circuit court of

Cook county, except as is otherwise in this Act provided. No judgment, order or decree of the municipal court, the amount of which—exclusive of costs—is, at the date of rendition thereof, less than two hundred dollars, shall be a lien upon real estate or any interest therein excepting from the time of the filing in the office of the clerk of the circuit court or registrar of titles, of a certified transcript or certificate, as provided for in this Act. Upon the filing in the office of the clerk of the circuit court of any county in this State of a transcript, certified under the hand and official seal of the clerk of the municipal court, of any judgment, order or decree of the municipal court, said judgment, order or decree shall thenceforth have the same force, be of the same effect and be a lien upon unregistered real estate or any interest therein throughout such county to the same extent and under the same circumstances as a judgment, order or decree of the circuit court of such county. No judgment, order or decree of the municipal court shall be a lien upon or affect registered land or any estate or interest therein, until a certificate under the hand and official seal of the clerk of the municipal court, stating the date and purport of the judgment, order or decree, or a certified copy of such judgment, order or decree, is filed in the office of the registrar of titles of the county in which the land is situated, and a memorial of the same is entered upon the register of the last certificate of the title to be affected.

§ 68. In any case an execution issued on any judgment, order or decree of the municipal court, when against lands and tenements, goods and chattels within the city of Chicago, shall be directed to the bailiff; or in case he is disqualified from acting, then to the sheriff of Cook county, and shall be a lien upon all of the personal property of the person against whom the judgment is obtained, situated within the city of Chicago, from the time it is delivered to the bailiff, or to the sheriff, to the same extent as an execution issued out of the circuit court of Cook county, when delivered to the sheriff, and may be levied upon the property, real or personal, of said person, situated at any place within the city of Chicago, to the same extent as an execution issued out of the circuit court of Cook county. But no execution upon a judgment, order or decree shall become a lien upon registered land, or any estate or interest therein, until said execution shall be levied on said real estate, and a certificate of the fact of such levy shall be filed with the registrar of titles of the county in which such real estate is situated, and a memorial thereof shall be entered upon the register of the last certificate of the title to be affected. Executions against lands, tenements, goods and chattels outside of the city of Chicago shall be directed to the sheriff; or in case he is disqualified from acting, to the coroner of the county in which such lands, tenements, goods and chattels are situated. Any execution, issued on any judgment of which a transcript has been filed in the office of the clerk of the circuit court of any county in this State, shall throughout the county in which said transcript is filed as aforesaid, be of the same force, have the same effect and be executed in the same manner as if said execution had issued on a judgment of the circuit court of Cook county.

§ 69. At any time within seven years after the entry of any judgment of the municipal court upon which there is due, exclusive of interest and costs, a sum of money exceeding twenty-five dollars (\$25), and upon the return wholly or partly unsatisfied of an execution issued thereon, the judgment creditor shall be entitled to a citation, here designated for convenience a citation in supplementary proceedings, requesting the judgment debtor, or any other person whom or corporation which, the judgment creditor may believe to have personal property of the debtor not exempt from execution or garnishment, or to be indebted to said judgment debtor in a sum exceeding the amount exempt by law from garnishment, to attend before the court and be examined under oath concerning such debtor's property at a time and place specified in the citation, or after the issuance of an execution against the lands, tenements, goods and chattels of any judgment debtor, and before the return thereof, upon proof by affidavit to the satisfaction of the court, that there is reasonable ground to believe that the judgment debtor has property in the city of Chicago, which he unjustly refuses to apply towards the satisfaction of the judgment, whether subject to execution or not, citation may issue as above provided. The court may, in its discretion, at the time of ordering the issuance of said citation, or at any time thereafter pending said proceedings, restrain and enjoin any party to said citation from assigning or disposing of any personal property and choses in action until the final hearing on said citation or until the further order of the court: *Provided*, that no probable cause exists for entering said restraining order or injunction.

§ 70. Where it appears from the examination or testimony taken in supplementary proceedings that the judgment debtor has in his possession or under his control money or other property belonging to him and not exempt from execution, or that money, choses in action, or one or more articles of personal property capable of delivery, and the right of possession of which in said judgment debtor is not substantially disputed, and which are not exempt by law from execution or garnishment, are in the possession or under the control of such other person or corporation, the court may, in its discretion, make an order directing the judgment debtor, or such other person or corporation, immediately, or within such time as the court may direct, to pay the money, or as much thereof as may be necessary, to the clerk of said court for the use of said judgment creditor to be applied towards the satisfaction of said judgment, or to assign the chose in action or deliver the articles of personal property to the bailiff of the municipal court to be by him collected or sold at public sale and the proceeds thereof applied towards the satisfaction of said judgment, and if the proceeds of such collection or sale shall exceed the amount due upon such judgment and the costs accrued thereon, the overplus shall be paid to said judgment debtor. In case the right of possession of any such money or other property in said judgment debtor is substantially disputed, the court may, on its own motion, or on motion of any person interested, order any adverse claimants to be made parties defendant to said supplemental proceed-

ings, and they shall be notified of said proceedings in the same manner as adverse claimants in proceedings for the trial of the right of property are required to be notified, and thereupon the title to said money or other property shall be tried in the same manner as titles are tried in proceedings for the trial of the right of property.

§ 71. The masters in chancery of the circuit and superior courts of Cook county shall be *ex officio* masters in chancery of the municipal court. Said citation in supplementary proceedings may, in the discretion of the court, require the person or corporation to attend and be examined before one of the masters in chancery of the court, or a special commissioner to be appointed by the court, designated in said citation, which special commissioner shall, before taking any testimony, be sworn to well and truly report the evidence to be taken before him in such proceedings, or to try the matters to be brought before him thereon, and a true report make according to the evidence as the case may be. After said examination said master in chancery or special commissioner must certify to the court all evidence and other proceedings had before him pursuant to the citation.

§ 72. Upon every examination in supplementary proceedings each answer of the party to the citation or witness examined must be under the oath of such party, or, if such party be a corporation, under the oath of an officer thereof, and the court may, in its discretion, specify the officer. Either party may be examined as a witness in his own behalf and may produce and examine other witnesses as upon the trial of any action. The court, master or special commissioner may postpone any hearing hereunder from time to time as it may think proper and may issue subpoenas requiring the presence of any witness desired by either party. The court shall have the power to compel the attendance of any party to the citation or witness duly subpoenaed by attachment of the person of such party or witness and the refusal or neglect of a party to such citation, or of a witness, to attend or answer proper questions upon the hearing, or to obey any injunction or restraining order enjoining or restraining any party to said citation from disposing of any personal property or choses in action, or the neglect or refusal of a party to such citation to pay any money to the clerk of said court for the use of said judgment creditor to be applied towards the satisfaction of said judgment, or to assign any chose in action or deliver any article of personal property to the bailiff of said court when thereto lawfully required by said court, shall be adjudged a contempt of court, and shall be punishable in the discretion of the court by fine or imprisonment in the county jail or house of correction for a period not to exceed six months.

§ 73. The court may in such supplementary proceedings, tax as costs a fixed sum consisting of witness fees, stenographer's fees, master's or commissioner's fees and other disbursements, and direct the payment thereof out of any money which may come into the hands of the clerk or bailiff as a part of the costs of said proceedings. Where the judgment debtor has been examined and property applicable to the payment of the judgment has not been discovered in the course of the pro-

ceedings hereunder, the court may fix a sum consisting of witness fees and other disbursements made by said judgment debtor including stenographer's fees, master's or commissioner's fees, and the amount so fixed shall, in the discretion of the court, be paid to such judgment debtor, and unless paid within the time fixed by the court an execution shall issue against the judgment creditor and be served and enforced as other executions.

§ 74. Any order made in supplementary proceedings may be served by delivering a certified or sworn copy thereof to the person against whom the same is made, and such service may be made by the bailiff or by any party to the proceedings or by his attorney or agent. All other proceedings hereunder shall be regulated by such rules as may be adopted by a majority of the judges of the municipal court in accordance with the provisions of this Act.

§ 75. The clerk of the municipal court shall receive the following fees, to be taxed as costs when the service, in the performance of which the same accrue is rendered in any cause in said court:

First—In a case of the first class the plaintiff, at the time of commencing his suit, shall pay to the clerk in full, except as hereinafter stated, for all services to be rendered by the clerk for the plaintiff in said suit, the sum of \$6.00, and the defendant shall, at the time of entering his appearance, pay to the clerk in full, except as hereinafter stated, for all services by the clerk for the defendant in said suit, the sum of \$4.00.

Second—In a case of the fourth class the plaintiff shall, at the time of commencing his suit, pay to the clerk in full, except as hereinafter stated, for all services to be rendered by the clerk for the plaintiff in said suit, the following fees:

When the amount claimed by the plaintiff in money or property does not exceed \$200.00, the sum of \$2.00; when the amount claimed by the plaintiff, in money or property, exceeds \$200.00 but does not exceed \$1,000.00, the sum of \$5.00; in a case of forcible detainer when the plaintiff does not unite with his claim for possession of the property any claim for rent or damages, the sum of \$2.00; when in any action of forcible detainer the plaintiff unites with his claim for possession of the property a claim for rent or damages, not exceeding the sum of \$200.00, the further sum of \$2.00; when in any action of forcible detainer the plaintiff unites with his claim for possession of the property a claim for rent or damages exceeding \$200.00, the further sum of \$5.00. The defendant in a case of the fourth class, at the time of entering his appearance, shall pay to the clerk in full, except as hereinafter stated, for services to be rendered by said clerk, if the suit be other than an action of forcible detainer, when the amount claimed by the plaintiff, in money or property, exceeds \$200.00, the sum of \$2.00; if the suit be an action of forcible detainer in which the plaintiff unites with his claim for possession of the property a claim for rent or damages exceeding \$200.00, the sum of \$2.00.

Third—Any party who demands a trial by jury, at the time of making said demand, in addition to the above fees, shall pay to the clerk the sum of \$6.00.

Fourth—In criminal and *quasi* criminal cases and proceedings in the municipal court instituted in the name or by the authority of the people, or in the name of any State or county officer in his official capacity, or in the name of the city of Chicago, or in the name of any officer thereof in his official capacity, or in the name of any municipal corporation or any board of public park commissioners whose territory is situated in whole or in part within the city of Chicago, and in cases of the sixth class, the clerk's fees in full for service rendered by him, shall be the sum of \$6.00 in all cases other than proceedings for the arrest, examination, commitment and bail of persons charged with criminal offenses, in which last mentioned proceedings the clerk's fees shall be the sum of \$8.00.

Fifth—The services to be rendered by the clerk as mentioned in this section shall not include the making or furnishing of a transcript of the record or any part thereof in any cause, but in addition to the fees here provided for, the clerk shall receive from the party ordering the same, the sum of fifteen cents for each one hundred words for transcribing any portion of the record, files and proceedings of said court, and in addition thereto the sum of twenty-five cents for the clerk's certificate and seal of the court. In addition to the above, there shall be paid to the clerk the following fees: For taking an acknowledgment of any chattel mortgage, assignment of wages or other written instrument, including the certificate of the clerk thereto, the sum of twenty-five cents, and in addition thereto the sum of fifteen cents for every one hundred words entered or recorded by the clerk.

§ 76. The bailiff of the municipal court, or any sheriff, or coroner, shall receive the following fees to be taxed as costs in the cause in which the service is rendered:

First—The party delivering to the bailiff, or to the sheriff, or coroner, any summons, writ of attachment, writ of replevin, subpoena, writ of execution, or other process, shall, at the time of making such delivery, pay to said officer, in a case of the first class, the sum of one dollar and seventy-five cents (\$1.75), and in a case of the fourth class the sum of one dollar (\$1.00), for each defendant or other person named in such process upon whom service thereof is to be made, and upon delivering to said bailiff, sheriff, or coroner, any citation in supplementary proceedings, the plaintiff shall pay to said officer, in all cases, the sum of one dollar (\$1.00). In cases of writs of attachment, replevin or execution, he shall pay to the bailiff, sheriff, or coroner, as the case may be, the further sum of one dollar and seventy-five cents (\$1.75) in a case of the first class, and the further sum of one dollar (\$1.00) in a case of the fourth class, when any levy upon or seizure of property is to be made thereunder, and shall also pay to said officer the actual expense of seizing and caring for any property levied upon or seized thereunder, and the costs for other services of the bailiff, sheriff, or coroner, as the

case may be, shall be the same, except as herein otherwise provided, as those required by law, from time to time, to be paid for similar services in cases in the circuit and criminal courts of Cook county, excepting that no charge shall be made for mileage in the serving of any writ within the city of Chicago, and no charge shall be allowed for the service of any *alias* writ, when the costs above provided for the original writ have been paid.

Second—The bailiff, as commissions on money realized by execution, shall in all cases collect from the defendant in the execution five (5) per cent upon the amount realized, if it do not exceed one hundred dollars (\$100.00); but if the amount realized exceed one hundred dollars (\$100.00) the bailiff shall collect five (5) per cent on the first one hundred dollars (\$100.00) and three (3) per cent upon the excess over one hundred dollars (\$100.00).

§ 77. The fees and mileage of witnesses shall be the same as those allowed by law, from time to time, to witnesses in cases in the circuit and criminal courts of Cook county, and any party cited to be examined in supplementary proceedings, shall be allowed the same fees and mileage as any other witness: *Provided*, that in any civil cause claim for such witness fees and mileage shall be supported by affidavit and filed in the cause within five days after the entry of the final order, judgment or decree.

§ 78. A charge of fifteen cents for each one hundred words contained in any statement of facts for review procured by the successful party shall be taxed as costs against the losing party in any case unless otherwise ordered by the court. All other costs not expressly herein provided for shall be the same as the costs provided by law in cases in the circuit and criminal courts of Cook county, and all costs shall be taxed in favor of the successful party and against the unsuccessful party, in the same way and to the same extent as costs in similar cases are taxed in the circuit and criminal courts of Cook county, unless the court shall otherwise direct.

§ 79. In any civil case the court may, in its discretion, order that an advance payment of costs may be waived in favor of any poor person whose financial circumstances, as made to appear to the court, are such that such advance payment would be unduly burdensome or oppressive.

§ 80. No advance costs of any kind or character shall be required to be paid in any criminal or *quasi* criminal case, but in case of final judgment being entered against the defendant, all the costs of the suit may, in the discretion of the court, be awarded against him and collected by execution or otherwise, as the court may direct. In proceedings for the prevention of the commission of crime, when the complaint is not sustained and the court is of the opinion that the prosecution was commenced maliciously without probable cause, judgment may be given against the complainant for the costs of prosecution; but when the person complained of is required to give security to keep the peace or for his good behavior, the court may order that the costs of the prosecution, or any part thereof, shall be paid by such person, who may be

committed until the costs are paid or he is otherwise legally discharged. In proceedings for the arrest, examination, commitment and bail of persons charged with criminal offenses, where the court finds that an offense has been committed and that there is probable ground to believe the defendant guilty, the clerk shall certify the amount of the costs, and in case of the defendant's conviction, the same shall be taxed against him as a part of the costs in the cause in which he is so convicted. In proceedings pertaining to searches and seizures of personal property by means of search warrants, the court may, if it appears that there was no probable cause for suing out the warrant, tax the costs against the complainant and award execution against him therefor. In bastardy cases, in case judgment is rendered against the defendant, the costs shall be taxed against him as a part of the costs in such cause; but in case he is acquitted of the charge, the costs may be taxed against the complaining witness: *Provided*, that in taxing costs in any criminal or *quasi* criminal case, no fee for the issuance of a warrant shall be included.

§ 81. Fees of jurors in the municipal court and any expense incurred on an order of court for the keeping jurors together shall be paid out of the treasury of the city of Chicago, upon the certificate of the clerk of the municipal court. The expense of dieting prisoners in the custody of the bailiff shall be paid out of the city treasury of the city of Chicago, upon the certificate of the bailiff. The bailiff shall convey all persons convicted by the municipal court to the places of confinement specified in the judgments of the court, and for so doing shall receive such fees from the State as compensation therefor as is now fixed and designated for sheriffs in counties of the third class, which compensation, less the actual expense of conveying said convicts, shall be turned over by the bailiff of [to] the city of Chicago.

§ 82. All moneys collected upon judgments of the municipal court in criminal and *quasi* criminal cases, and in cases of the sixth class, shall be paid to the clerk of the court. In bastardy cases said clerk shall immediately pay said moneys to the one for whose use the judgment is entered. The clerk shall, at the end of every three months, apply all moneys collected upon any judgment in any *quasi* criminal other than bastardy, or in any criminal case, or so much thereof as may be necessary, to the payment of the uncollected costs, witness fees and mileage excepted, in criminal cases, *quasi* criminal cases instituted in the municipal court in the name of the People, or in the name of any State or county officer in his official capacity, and pay over the balance, if any, to the officer entitled by law to receive the same. The clerk shall, on or before the tenth day of the month, following the month in which any moneys shall have been collected upon judgments in favor of the city of Chicago, pay over all such moneys to said city, and within the same time, shall pay to the city of Chicago all the costs and one-half of all fines and penalties collected for violation of ordinances of any board of public park commissioners whose territory is situated in whole or in part within the

limits of the city of Chicago. The balance of said fines and penalties shall be paid to the respective plaintiffs whose ordinances have been violated.

§ 83. All fees and costs collected in each month by the clerk and bailiff shall be paid over by them respectively to the city of Chicago, on or before the tenth day of the following month, and the clerk and bailiff shall be held personally responsible for all fees and costs required to be paid to them in advance, as hereinbefore provided. The clerk and bailiff shall be required to keep complete and accurate accounts of all moneys collected by them and by their respective deputies, and such accounts shall, under the direction of the chief justice of said municipal court, be examined and audited monthly, the expense thereof to be paid by the city.

§ 84. Whenever any law provides that any document or instrument shall be acknowledged, filed or entered before a justice of the peace, in such case within the city of Chicago, the clerk of the municipal court shall have the powers of a justice of the peace in respect thereto.

§ 85. The offices of justice[s] of the peace, police magistrate and constables in and for the territory within the city of Chicago are abolished, and the jurisdiction, power and authority, both judicial and ministerial, of justices of the peace in the territory of the county of Cook, outside of the city of Chicago, to perform any act whatever, is hereby limited to the territory of said county outside of said city. The jurisdiction hereby conferred upon the municipal court shall exclude the exercise of any portion of such jurisdiction by all other courts, excepting courts of record, and no other court than a court of record shall exercise jurisdiction in any case in which said municipal court is given jurisdiction by this Act.

§ 86. The dockets of former justices of the peace and all papers in their possession pertaining to proceedings had before them that were delivered up to the clerk of the municipal court upon the organization of said court, shall be preserved by the clerk of said municipal court in his office kept in the first district. Said clerk shall have as full power and authority to certify to transcripts of such proceedings as such justices of the peace would have had the offices not been abolished. Executions directed to the bailiff of the municipal court or to the sheriff of Cook county may be issued by the clerk of said court upon any unsatisfied judgments rendered by such justices of the peace in all cases in which the same might have been issued had such offices of justice of the peace not been abolished; and every such execution shall be a lien upon all the personal property of the defendant subject to execution in Cook county from the time the same is delivered to the bailiff, or to the sheriff of Cook county, and the same may be levied upon any such property of the defendant in Cook county.

§ 87. The invalidity of any portion of this Act shall not affect the validity of any other portion thereof, which can be given effect without such invalid part.

§ 88. All acts performed, elections held and proceedings had, under and in pursuance of the provisions of the Acts entitled, "An Act in rela-

tion to a municipal court in the city of Chicago," approved May 18, 1905, and "An Act to amend an Act entitled, 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905," approved June 3, 1907, or either of them, are hereby ratified and confirmed and declared to be valid and binding. Said Acts shall be repealed upon this Act becoming operative.

§ 89. This Act shall be submitted to a vote of the legal voters of the city of Chicago at the first regular municipal, judicial, general or special election which shall occur in said city of Chicago after the date of the passage of this Act. The ballots to be used at said election in voting upon this Act shall be in substantially the following form:

For consenting to the Act entitled, "An Act in relation to the municipal court of Chicago."	
Against consenting to the Act entitled, "An Act in relation to the municipal court of Chicago."	

If a majority of the legal voters of said city voting on the question at such election shall vote in favor of consenting to this Act, the same shall immediately thereupon take effect and become operative.

APPROVED June 28, 1913.

RECEIVERS APPOINTED BY COURT—SUITS AND PROCEEDINGS AGAINST.

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| § 1. Receiver sued without leave of court—suit subject to general equity jurisdiction of court appointing. | § 2. Emergency. |
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(HOUSE BILL NO. 588. APPROVED JUNE 23, 1913.)

AN ACT *in relation to suits and proceedings against receivers appointed by any court of the State of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every receiver or manager of any property appointed by any court of the State of Illinois may be sued, in respect of any act or transaction of his in carrying on the business connected with such property, without the previous leave of the court in which such receiver or manager was appointed; but such suit shall be subject to the general equity jurisdiction of the court in which such receiver or manager was appointed, so far as the same shall be necessary to the ends of justice.

§ 2. WHEREAS, An emergency exists, therefore this Act shall be in full force and effect from and after its passage.

APPROVED June 23, 1913.

SUPREME COURT—CLERK'S SALARY AND FEES.

§ 1. Salary of clerk—disposition of fees and costs—expenditures of office.

(HOUSE BILL NO. 442. APPROVED JUNE 26, 1913.)

AN ACT to fix the compensation of the clerk of the Supreme Court and to provide for the payment of the fees of his office into the State treasury.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the clerk of the Supreme Court hereafter elected shall receive an annual salary of seventy-five hundred dollars (\$7,500) payable in monthly installments from the State treasury, on the warrant of the Auditor of Public Accounts. At the expiration of the term of the clerk of the Supreme Court now in office, all fees and costs paid to or received by said clerk shall be paid quarterly into the State treasury. Expenditures for clerk hire and other expenses of the office of said clerk shall be made only in pursuance of appropriations made by the General Assembly and on the warrant of the Auditor of Public Accounts.

APPROVED JUNE 26, 1913.

CRIMINAL CODE.

GASOLINE RECEPTACLES—COLOR AND LABEL.

§ 1. Receptacles.

| § 2. Penalty for violation.

(HOUSE BILL NO. 220. APPROVED JUNE 27, 1913.)

AN ACT prescribing a color and label for gasoline receptacles.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all receptacles for gasoline, used in the retail trade, shall be red, and shall be labeled "gasoline," in letters of a contrasting color, and of a height of not less than one-half inch, and it shall be unlawful, in such retail trade, or anything pertaining thereto, to put gasoline into any receptacle of any other color than red, or not labeled as above required.

§ 2. Any person violating the foregoing section of this Act shall be subject to a fine of not less than ten dollars.

APPROVED JUNE 27, 1913.

OPTIONS IN GRAIN, STOCK, ETC.

§ 1. Amends sections 130 and 132, Act of 1874.

§ 130. As amended, adds provision concerning option or contract to be settled by payment of differences in prices, etc.

§ 132. As amended, adds last provision concerning "winner."

(SENATE BILL NO. 126. FILED JUNE 11, 1913.)

AN ACT to amend sections 130 and 132 of an Act entitled, "*An Act to revise the law in relation to criminal jurisprudence*," approved March 27, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 130 and 132 of an Act entitled, "*An Act to revise the law in relation to criminal jurisprudence*," approved March 27, 1874, in force July 1, 1874, be amended so as to read as follows:

§ 130. Whoever contracts to have or give to himself or another the option to sell or buy, at a future time, any grain, or other commodity, stock of any railroad or other company, or gold, where it is at the time of making such contract intended by both parties thereto that the option, whenever exercised, or the contract resulting therefrom, shall be settled, not by the receipt or delivery of such property, but by the payment only of differences in prices thereof, or whoever forestalls the market by spreading false rumors to influence the price of commodities therein, or corners the market, or attempts to do so in relation to any of such commodities, shall be fined not less than \$10 or more than \$1,000, or confined in the county jail not exceeding one year, or both; and all contracts made in violation of this section shall be considered gambling contracts, and shall be void.

§ 132. Any person who shall, at any time or sitting, by playing at cards, dice or any other game or games, or by betting on the side or hands of such as do game, or by any wager or bet upon any race, fight, pastime, sport, lot, chance, casualty, election or unknown or contingent event whatever, lose to any person, so playing or betting, any sum of money, or other valuable thing, amounting in the whole to the sum of \$10, and shall pay or deliver the same or any part thereof, the person so losing and paying or delivering the same, shall be at liberty to sue for and recover the money, goods or other valuable thing, so lost and paid or delivered, or any part thereof, or the full value of the same, by action of debt, replevin, assumpsit, or trover, or proceeding in chancery, from the winner thereof, with costs, in any court of competent jurisdiction. In any such action at law it shall be sufficient for the plaintiff to declare generally as in actions of debt or assumpsit for money had and received by the defendant to the plaintiff's use, or as in actions of replevin or trover upon a supposed finding and the detaining or converting the property of the plaintiff to the use of the defendant, whereby an action hath accrued to the plaintiff according to the form of this Act, without setting forth the special matter. In case the person who shall lose such money or other thing, as aforesaid, shall not, within six

months really and *bona fide*, and without covin or collusion, sue, and with effect prosecute, for such money or other thing, by him lost and paid or delivered, as aforesaid, it shall be lawful for any person to sue for, and recover treble the value of the money, goods, chattels and other things, with costs of suit, by special action on the case, against such winner aforesaid; one-half to use of the county, and the other to the person suing. No person who accepts from another person for transmission, and transmits, either in his own name, or in the name of such other person, any order for any transaction to be made upon, or who executes any order given to him by another person on, any regular board of trade or commercial or stock exchange, shall, under any circumstances, be deemed a "winner" of any moneys lost by such other person in or through any such transactions.

FILED June 11, 1913.

This bill having remained with the Governor ten days, Sundays excepted, the General Assembly being in session, it has thereby become a law.

Witness my hand this eleventh (11th) day of June, A. D. 1913.

HARRY WOODS,
Secretary of State.

TOY PISTOLS FOR BLANK CARTRIDGES.

1. Unlawful to sell, trade or give away toy pistol for blank cartridges—penalty.

(HOUSE BILL No. 682. APPROVED JUNE 27, 1913.)

AN ACT making it a misdemeanor to sell, trade or give away any toy pistol so made or constructed that it can be used to shoot blank cartridges; and to fix the punishment therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful to sell, trade, or give away any toy pistol so made, or constructed, that it can be used to shoot blank cartridges. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than five dollars (\$5.00) and not exceeding twenty-five dollars (\$25.00).

APPROVED June 27, 1913.

TRIAL FOR CRIMINAL OFFENSE—PROLONGATION.

§ 1. Amends section 14, division 13, Act of 1874. | § 2. Emergency.

§ 14. As amended, trial may extend into succeeding term of court.

(HOUSE BILL NO. 212. APPROVED MARCH 21, 1913.)

AN ACT to amend section 14 of division XIII of an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, as amended by all subsequent Acts amendatory thereof.

SECTION 1. *Be it enacted by the the People of the State of Illinois represented in the General Assembly:* That section 14 of division XIII of an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, as amended by all subsequent Acts amendatory thereof, be amended so as to read as follows:

§ 14. The court in which a trial for a criminal offense is pending may continue in session until the verdict is rendered and judgment entered, notwithstanding the judge may be required by law to hold court in another county before the conclusion of such trial, and notwithstanding the fact that the time occupied by such trial and the conclusion thereof may extend into and overlap a succeeding term or terms of the court in which such trial is pending.

§ 2. WHEREAS, An emergency exists, therefore, this Act shall be in force and effect immediately after its passage and approval by the Governor.

APPROVED March 21, 1913.

DEBTOR AND CREDITOR.

CHATELS IN BULK—SALE OR TRANSFER.

§ 1. When sale, transfer or assignment of goods or fixtures void—sworn statement of vendor—written notice to creditors by vendee—proviso. | § 2. Penalty for false statements.
| § 3. Vendors and vendees defined—what sales exempt.

(SENATE BILL NO. 58. APPROVED MAY 3, 1913.)

AN ACT to regulate the sale or transfer of goods, wares, merchandise, and other chattels in bulk and to provide certain penalties in connection therewith.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sale, transfer, or assignment in bulk of the major part or the whole of a stock of merchandise, or merchandise and fixtures or other goods and chattels of the vendor's business, otherwise than in the ordinary course of trade and in the reg-

ular and usual prosecution of the vendor's business shall be fraudulent and void as against the creditors of the said vendor, unless the said vendee shall, in good faith, at least five (5) days before the consummation of such sale, transfer or assignment demand and receive from the vendor a written statement under oath of the vendor or a duly authorized agent of the vendor having knowledge of the facts, containing a full, accurate and complete list of the creditors of the vendor, their addresses and the amounts owing to each as near as may be ascertained, and if there be no creditors, a written statement under oath to that effect; and unless the said vendee shall at least five days before taking possession of said goods and chattels and at least five days before the payment or delivery of the purchase price, or consideration of any evidence of indebtedness therefor, in good faith, deliver or cause to be delivered or send or cause to be sent personally or by registered letter properly stamped, directed and addressed, a notice in writing to each of the creditors of the vendor named in the said statement or of whom the said vendee shall have knowledge, of the proposed purchase by him of the said goods and chattels and of the price, terms and conditions of such sale: *Provided, however*, that it shall be lawful for the vendee to pay to the vendor so much of the purchase price as shall be in excess of the total amount of the indebtedness of the vendor, before the expiration of the five days hereinabove referred to.

§ 2. Any vendor of all or the major portion of a stock of merchandise or merchandise and fixtures or other goods and chattels of the vendor's business, in bulk, otherwise than in the ordinary course of trade and in the regular and usual prosecution of the vendor's business or any person for or on behalf of such vendor who shall knowingly or wilfully make or deliver or cause to be made or delivered any false statement or any statement which in any material portion is false or shall knowingly or wilfully fail to include the names of all the creditors of said vendor in said statement, as provided for in section 1, of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year or both in the discretion of the court.

§ 3. Vendors and vendees under this Act shall include corporations, associations, co-partnerships and individuals, who shall be party to any sale, transfer or assignment, of goods and chattels in bulk. But nothing contained in this Act shall apply to sales by executors, administrators, receivers, trustees in bankruptcy or by any public officer under judicial process nor to sales of exempt property or any sale or transfer made in the ordinary course of trade and in the regular and usual prosecution of the vendor's business nor to sales made in good faith at public auction, where notice of such sale is given in a newspaper of general circulation within the county where such sale is made, at least ten days before such sale or by posting of notices in at least five public places at least ten days before said sale.

APPROVED May 3, 1913.

DRAINAGE.

ACT OF 1879 REVISED.

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| <p>§ 1. Amends sections 2, 11, 12, 14, 16, 17, 17b, 17$\frac{1}{2}$, 26$\frac{1}{2}$, 34$\frac{1}{2}$, 37, 44, 51, 59 and 62, Act of 1879.</p> <p>§ 2. Petition for organization of drainage district.</p> <p>[§ 11. Omitted.]</p> <p>§ 12. Alteration of plans—boundaries—assessment of benefits—proviso.</p> <p>[§ 14. Omitted.]</p> <p>§ 16. Order of confirmation—appeal or writ of error to Supreme Court.</p> <p>[§ 17. Omitted.]</p> <p>§ 17b. Examination by jury—verdict—contents—court to confirm and enter judgment on verdict—appeals and writs of error—court may submit to jury form of verdict.</p> <p>§ 17$\frac{1}{2}$. Assessment of benefits to repair and keep in repair.</p> | <p>§ 26$\frac{1}{2}$. Annual amount of benefits—when payable—proceedings—reports—may borrow money.</p> <p>[§ 34$\frac{1}{2}$. Omitted.]</p> <p>§ 37. Suits—money to be used under direction of court—assessments—pumping plants.</p> <p>§ 44. Before contract let, court may order commissioners to abandon district.</p> <p>§ 51. No second tax.</p> <p>§ 59. Constructing additional ditches, etc.—proceedings—sub-district—assessments.</p> <p>§ 62. Appointment of commissioners.</p> <p>§ 2. Repeals sections 52, 53 and 54—rights saved.</p> <p>§ 3. Emergency.</p> |
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(SENATE BILL NO. 398. APPROVED JUNE 27, 1913.)

AN ACT to amend sections two (2), twelve (12), sixteen (16), seventeen (17), seventeen B (17B), seventeen and one-half (17 1-2), twenty-six and one-half (26 1-2), thirty-seven (37), forty-four (44), fifty-one (51), fifty-nine (59), and sixty-two (62), and to repeal sections fifty-two (52), fifty-three (53), and fifty-four (54) of an Act entitled, "An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879; as amended by an Act approved June 30, 1885, in force July 1, 1885; as amended by an Act approved June 4, 1889, in force July 1, 1889; as amended by an Act approved June 24, 1895, in force July 1, 1895; as amended by an Act approved May 10, 1901, in force July 1, 1901; as amended by an Act approved May 14, 1903, in force July 1, 1903; as amended by an Act approved and in force May 20, 1907; as amended by an Act approved and in force May 29, 1909.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections two (2), eleven (11), twelve (12), fourteen (14), sixteen (16), seventeen (17), seventeen B (17B), seventeen and one-half (17 $\frac{1}{2}$), twenty-six and one-half (26 $\frac{1}{2}$), thirty-four and one-half (34 $\frac{1}{2}$), thirty-seven (37), forty-four (44), forty-seven (47), fifty-one (51), fifty-nine (59), and sixty-two (62), of an Act entitled, "An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for

agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879; as amended by an Act approved June 30, 1885, in force July 1, 1885; as amended by an Act approved June 4, 1889, in force July 1, 1889; as amended by an Act approved June 24, 1895, in force July 1, 1895; as amended by an Act approved May 10, 1901, in force July 1, 1901; as amended by an Act approved May 14, 1903, in force July 1, 1903; as amended by an Act approved and in force May 20, 1907; as amended by an Act approved and in force May 29, 1909, be and the same are hereby amended to read as follows:

§ 2. Whenever a majority of the owners of lands within a district proposed to be organized, who shall have arrived at lawful age and who represent one-third in area of said land, or wherever one-third of the owners of lands within a district proposed to be organized who shall have arrived at lawful age and who represent a major portion in area of the said lands, desire to construct a drain or drains, ditch or ditches, levee or levees, or other work to be known in this Act as a "drainage and levee district" or "drainage and levee work," across the lands of others, for agricultural, sanitary or mining purposes, or to maintain and keep in repair any such drain or drains, ditch or ditches, levee or levees, heretofore constructed under any law of this State, or to establish in said district a combined system of drainage or protection from overflow, independent of levees, for agricultural, sanitary or mining purposes and maintain the same by special assessments upon the property benefited thereby, such owners may file in the county court of any county in which the greater part of the lands so proposed to be organized into a drainage district, shall lie, a petition signed by the requisite number of land owners owning the required area as in this section provided within said district proposed to be organized as aforesaid, setting forth the proposed name of the said drainage district, the necessity of the same, with a description of the proposed starting points, routes and termini of the work and a general description of the lands proposed to be affected, with the names of the owners, when known, and if the purpose of said owners is the repair and maintenance of a ditch or ditches, levee or levees, or other work, heretofore constructed under any law of this State, said petition shall give a general description of the same, with such particulars as may be deemed important and may pray for the organization of a drainage district, by the name and boundaries proposed, for the appointment of commissioners under this Act.

§ 12. The commissioners shall not be confined to the point of commencement, route or termini of the drains or ditches or to the number, extent or the size, or the manner of constructing of the same, or the location, plan or extent of any levee, ditch or other work to that proposed by the petitioners, but shall locate, design, lay out, plan the same in such manner as they shall think will drain or protect the petitioners' lands with the least damage and greatest benefit to all lands to be affected thereby; and any plans, ditches, drains or other work proposed by the

commissioners may, on the application of any person interested, or the commissioners, be altered or additional drains or other work shall be established by order of the court in such manner as shall appear to the court to be just. If the commissioners find that the proposed district, as described in the petition filed, will not embrace all the lands that will be benefited by the proposed work, or that it will include lands that will not be benefited, and not necessary to be included in said district for any purpose, they may extend or contract the boundaries of the proposed district, so as to include or exclude all such lands, as the case may be, and the boundaries adopted and reported by said commissioners may at any time before the court declares the district established, upon the application of the commissioners, or of any person interested, be altered by the court in such manner as shall appear to the court to be just; and the court may change the name of the district or proposed district, at the same time in the same order establishing a drainage district: *Provided*, the alteration of boundaries as aforesaid shall not have the effect of so far enlarging or contracting the proposed district that the petitioners will no longer constitute a majority of the adult land owners of the lands in said proposed district, who represent at least one-third of its area, or who constitute one-third of the adult land owners of the lands therein situated who represent a major portion in area of the lands therein.

Any person or persons owning lands adjoining or contiguous to said proposed district may at any time by application in writing to said court, reasonable notice thereof having been previously given to the commissioners, annex his lands to said district; and if such application be made after the latest general assessment of benefits against the lands in said district as herein provided, the court, if the owners agree thereto in writing, or the commissioners, or a jury of said court shall, on such application to annex, hear evidence and make the assessment of benefits against, or damage in favor of, the lands so annexed, and the court may order said assessments of benefits payable in installments corresponding as near as may be to the time of payments of general assessments and add the same to the general assessment roll of the district, and the collection of such additional assessments may be enforced as in other cases; such additional assessment roll shall also be recorded in the county court, and the same shall be a lien upon such lands from the filing thereof for record until paid.

§ 16. If, after hearing all objections, if any, to the report of the commissioners, and all applications, if any, to annex other lands to the proposed district, the court finds that a drainage or levee district should be organized, the plat of the same shall be recorded and an order be made according to the findings of the court, substantially as follows:

County court of county, term, A. D. 19..
In the matter of the petition of (here insert names of the petitioners)
this day the report of commissioners heretofore appointed
by this court to examine the lands proposed to be drained or protected
and the lands over which the work is proposed to be constructed (if additional lands are recommended by the commissioners to be brought into the

proposed district, insert here the giving of notice to the owners of such land, as required in section thirteen of this Act), and said report having been set down for hearing in the manner required by law, and the court having duly examined said report and having heard evidence concerning the same, and considered all objections to the same, it is ordered by the court that the report of said commissioners (or, if said report has been modified by the court, as modified by the court) be and the same is hereby confirmed; and the court further finds that the proposed work in said petition to be done will be useful for agriculture, sanitary or mining purposes to the owners of land within said proposed district; and the court also finds that the persons who have signed said petition are of lawful age and are a majority of the adult land owners, representing one-third in area (or one-third of the adult land owners owning a major portion as the case may be) of the land to be affected by such proposed work. And the court further finds that the said drainage district of the corporate name mentioned in said petition, viz:.....bounded as follows,is duly established as provided by law.

.....County Judge.

And upon entering such order of record, said district is hereby declared by law to be organized as a drainage district by the name mentioned in the petition, and with the boundaries fixed by the order confirming the report of the said commissioners, and said district is hereby declared to be a body politic and corporate, by the name mentioned in said order of court, with the right to sue and be sued, and to have perpetual succession, and may adopt and use a corporate seal; and the commissioners appointed as aforesaid and their successors in office shall, from the entry of such order of confirmation, constitute the corporate authorities of such drainage district, and shall exercise the functions conferred upon them by law.

Said order shall be final, and separate or joint appeals and writs of error may be taken to the Supreme Court by the parties affected thereby: *Provided*, the granting of an appeal or writ of error to one or more persons, or the reversal of said order upon such appeal or writ of error by such person or persons separately or jointly shall not impair nor invalidate said organization as to all other persons not appealing nor suing out such writs, nor shall such appeal or writ of error delay the work or proceedings so far as it affects the lands of such other persons. Nor shall it be a valid ground of objection on the part of any land owner upon said hearing, or upon an appeal from said order, or upon any writ of error attacking the said order, that any owner of other land has not received sufficient notice of the said proceedings, or that the said order is invalid as to the said owner of other lands; but such other owners and lands may be thereafter brought into and included in the said district, and assessed therein under the provisions of sections fifty-eight, sixty and sixty-one of this Act, when such other lands should properly be included in said district.

§ 17. After the order provided for in the foregoing section shall have been signed, the commissioners shall proceed to acquire the right of

way and releases of damages for the construction of the proposed work, by agreement with the land owners so far as they may be able to agree with said land owners, and to make out an assessment roll in which shall be set down in proper columns the names of the owners when known, a description of the premises affected, in words or figures, or both, as shall be most convenient, the number of acres in each tract, and, if benefits are assessed against the same, the amount of the same against each tract; and if damages are allowed to the amount of the same against each tract; they shall also include therein all railroads, public highways and municipal corporations to be affected by the proposed work, and the amount of benefits assessed against, and damages, if any accruing, to the track and right of way of said railways and public highways and roads, and the streets and alleys of such municipal corporations; and they shall, when directed by the court, also make an assessment of the "annual amount" of benefits which each tract will sustain by keeping said levees, ditches or other work in repair, and to maintain in operation pumping plants, if any there be in such district, all of which shall be known as the "commissioners' roll of assessments of benefits and damages."

§ 17B. And thereupon said jury shall proceed to select a foreman and a clerk from said jury, and in charge of such foreman shall, in case any party in interest shall so request, proceed to examine the lands, railroads, streets, alleys and public highways to be affected by the proposed work. The jury shall ascertain to the best of their ability and judgment the benefits which will accrue to the lands, railroads, streets, alleys and public highways, to be affected by the said proposed work, and the damages to the lands taken or damaged thereby, over which the right of way for the construction of the said proposed work had not been obtained and, when directed by the court, the jury may also ascertain the "annual amount" of benefits which each tract will sustain by keeping said levee, ditches or other work in repair, and said jury shall make out their verdict in which shall be set down in proper columns the names of the owners, when known, a description of the premises to be affected, in words or figures, or both, as shall be most convenient, the number of acres in each tract and the amount of benefits assessed, if any, and the amount of damages allowed, if any, against each tract, railroad, public highway, or municipal corporation; also, when required, the amount of "annual benefits," if any, which each tract will sustain by keeping said levees, ditches or other work in repair, and in finding such verdict they shall take into consideration their view of the premises as evidence (if such view shall have been requested by any party in interest) and consider it with the other testimony offered in the case and allowed by the court, which verdict when so completed shall produce the total sum of the estimated cost of the proposed work and the proceedings incident to the same, together with the annual amount of benefits which the lands will sustain by keeping said levees, ditches or other work in repair, when required, and the amount of damages allowed, and said verdict shall then be signed by the jury and filed in the court,

and shall be taken and held to be the verdict of the jury upon all questions of benefits and damages arising in the proceedings; and thereupon the court shall confirm said verdict and enter up judgment upon said verdict, and cause the same to be spread upon the records and such judgment and verdict shall be a lien upon such lands after the said judgment, until paid. Appeals and writs of error shall be allowed therefrom as in cases of appeals from or writs of error to county courts in proceedings for the sale of lands for taxes or special assessments: *Provided*, that the granting of an appeal in any one or more cases, to one or more persons shall not operate to defer the collection of the judgment in other cases, but the collection in other cases shall proceed as if no appeal had been taken. When said appeals are decided, if the judgment of said county court shall be affirmed, or upon said case being remanded for a new trial, if judgment shall be in favor of said district, the county court shall order the judgment so rendered to be made a part of said judgment not appealed from, and the same shall be collected as if no appeal has been taken.

The court shall, if necessary, continue said cause to a day certain for the report of the verdict of said jury, and if said jury are not ready to file their verdict on the day fixed, said cause may be continued from time to time until they have completed their verdict and have returned the same to the court, and all persons interested shall take notice of the time of filing and making said report by the jury.

The court may cause to be prepared and submit to said jury a form for their said verdict, including names of the owners and descriptions of the tracts to be affected, including the railroads, public highways and municipal corporations, with blanks for the said jury to fill with the amounts of benefits and damages as they shall find, and when completed the same may be placed in form by the court in the presence of said jury, or the said jury may be recalled at any time after being discharged to correct any errors or omissions therein.

§ 17½. The amount assessed for keeping said levee or ditch in repair, shall not in the aggregate amount to a sum in any one year, greater than would be produced by thirty cents per acre on all lands within said district. In case such assessment of annual benefits is not made at the time of the original organization of said district or the same is thereafter found to be insufficient, the same may be provided for or increased in the same manner as herein provided for the levying of additional assessments in such districts.

In case the petition shall set out that a levee or ditch has been made under any law of this State and prays for an assessment of benefits to repair and keep in repair said levee or ditch, the commissioners shall cause to be made an assessment of benefits which said lands will sustain by repairing said levee or ditches, and also the "annual amount" of benefits which said lands will sustain by keeping said levee or ditch in repair thereafter and such assessment of benefits shall be made in the manner provided by sections seventeen (17), seventeen A (17A) and seventeen B (17B) of this Act, but in all other respects the

commissioners shall comply with the provisions of this Act, so far as the same may be applicable thereto: *Provided*, that in all cases where the amount of benefits assessed, and the assessments of benefits to repair said levees, ditches or drains, heretofore constructed under any law of this State are insufficient to complete the ditches, drains or levees embraced in the proceedings, the "annual amount of benefits" assessed to keep said levee or ditch in repair after making all necessary repairs and paying other necessary expenses of maintenance for any year, may be applied to complete the ditches, drains or levees embraced in the proceedings, and to raising, strengthening and protecting said ditches, drains and levees, when required to protect the lands embraced in the drainage and levee districts organized under this Act, from inundation and overflow, and in paying interest on any other notes or bond issued under this Act.

§ 261½. In case where a levee or ditch has been heretofore built under any law of this State, or may hereafter be built under the provisions of this Act, the annual amount of benefits for keeping the same in repair shall be due and payable on the 1st day of September annually, and shall be a lien on the lands upon which said assessments are made, from and after the confirmation of the report. The court in which such proceedings are had shall require from said commissioners a report of the condition of the levee or ditch at its July term of each year, together with their estimate of the amount necessary to keep the levees or ditch in repair, pay all incidental and necessary expenses for the ensuing year, and the amount necessary to complete the ditches, drains or levees embraced in the proceedings and to raise, strengthen or protect said ditches, drains or levees, when completed, and in constructing additional ditches, drains or levees when required to protect the lands embraced in the drainage and levee districts organized under this Act, from inundation and overflow; and if the court shall find that a less amount will be required for such ensuing year, than the whole amount of the assessment for the year, then the court shall by an order fix the amount to be paid for such year and only that amount shall be collected, and the excess of such assessment over and above the amount so fixed by said order for said year shall be remitted by law, and shall not thereafter be collected: *Provided*, that the amount to be collected under the order of said court shall not in the aggregate amount in any one year, to a sum greater than would be produced by a levy of thirty cents per acre on all the lands within said district; except in districts which now have, or may hereafter have, pumping plants, in which districts the annual amount of benefits collected each year shall be a sum sufficient to keep the levees, ditches, drains and other works of said district in repair and to maintain in operation such pumping plant or plants: *Provided, further*, that in all cases where the ditches, drains or levees constructed or repaired under this Act are in danger of being impaired, injured, broken or destroyed by overflow or otherwise, and a part of the annual amount of benefits for protection and keeping the same in repair for the year in which said ditches, drains or levees are so

threatened, has been remitted by order of the court as herein provided, or when the annual amount of benefits for protecting and keeping the same in repair for any year is insufficient, the commissioners of drainage and levee districts, organized under this Act, may borrow money on the annual amount of benefits becoming due the first day of September, following the time when said ditches, drains or levees are so threatened, to the extent of two-thirds of said annual amount of benefits and may secure the same by notes or bonds of the drainage and levee districts bearing interest at the rate of six per cent per annum, and not running beyond one year from the date of issue, which notes or bonds shall not be held to make the commissioners personally liable for the money borrowed, but shall constitute a lien upon the annual amount of benefits falling due thereafter for the repayment of the principal and interest thereof: *Provided*, that the report of the commissioners as to the condition of the levee or ditch and their estimate of the amount necessary to keep the levee or ditch in repair, pay all incidental and necessary expenses for the ensuing year, and the amount necessary to complete the ditches, drains or levees, embraced in the proceedings, and to raise, strengthen or protect said ditches, drains or levees when completed, and in constructing additional ditches, drains or levees when required to protect the lands embraced in the drainage districts, when the proceeding is before a justice of the peace, shall be made on the first Monday in July, in each year.

§ 37. Said commissioners may use money arising from the collection of assessments or coming into their hands, as such commissioners, for the purpose of compromising suits and controversies arising under this Act, and in the employment of all necessary agents and attorneys, in organizing said districts, and for conducting other proceedings, in law or in equity, for the same, and for the purpose of constructing or repairing or maintaining any ditch, ditches, drains, levee or levees within said district or outside of said district, necessary to the protection of the lands and complete drainage of the same within said district: *Provided*, that the commissioners shall use such money under the direction or approval of the court; and assessments from time to time may be levied on the land within any district when it shall appear to the court that the previous assessment or assessments have been expended or are inadequate to complete such work, or are necessary for maintenance or repair, or when it shall become necessary for the construction of one or more pumping plants, or other additional work, or the completion of any work already commenced within any drainage district to insure the protection or drainage of the lands in said district, under the direction and order of the court, or to pay obligations incurred for the current expenses of said district or in the keeping in repair and protection of the work of such district, on a petition of a majority of the land owners within said district who are of lawful age and represent at least one-third in area of such lands or on a petition of one-third of such adult land owners who represent a majority [major portion] in area of such lands, or on the petition of the commissioners accompanied by an itemized statement of

accounts made by the commissioners under oath, showing the moneys received by the district and the manner in which they have been expended, together with the plats and profiles of such additional work and estimated cost of the same; two weeks' previous notice of the time set for the hearing of said petition in the manner required by section three (3) of this Act having been given. Upon the hearing of such petition the court may grant the prayer of the same, and cause the jury to be impaneled to make said assessment, as well as an assessment for annual amount of benefits for maintaining and operating such pumping plant or plants and for keeping such additional work in repair, with like proceedings and notice as near as may be, as in cases of original assessments of damages and benefits under this Act, and such additional assessment or assessments, when made, shall have the same force and effect and be collected in the same manner as original assessments.

§ 44. At any time before the contract shall have been made for the construction of any drain, ditch, levee or other work provided for in the report of the commissioners, or the order of the court made in pursuance thereof, which is sought to be abandoned, as hereinafter provided, upon petition of the majority of the adult land owners of the district representing one-third of its area, the county court may, if upon due inquiry it shall be satisfied that justice towards all the land owners of said district requires it, direct the commissioners to abandon any drain, ditch, levee or other work, or any part thereof, mentioned in such report or order. Upon the filing of any such petition it shall be set down for hearing by the court, and notices of the filing of such petition, and of the general nature of the relief sought by the petitioners, shall be given by the clerk of the court in which such petition is filed for the length of time and in the manner (so far as applicable to the nature of the proceedings) required by section three (3) of the Act to which this is an amendment. The court may, for good cause, after the proof of notice as aforesaid, continue the hearing of such application from time to time, and any person or persons interested may appear and resist such application; and the court, after a full hearing of all material facts pertaining thereto may make such order in the premises as shall appear to the court to be just. If the court shall determine that any portion of the proposed work shall be abandoned, it shall ascertain to what extent the cost of such proposed work shall be diminished thereby; and if the assessments for benefits shall have been made, such portions of said assessment shall be abated in such uniform proportion as such change of plans shall render unnecessary for the completion of such works according to such modified or altered plans and if any lands shall have been assessed by the commissioners which, on account of such change of plans, will be wholly deprived of the benefits contemplated in the original plans, the court shall order that the entire assessments against such lands be abated. If such order shall be made after the assessments shall have been collected, the court shall order such proportion of said assessments as may be abated to be refunded to the person who may have paid the same or their lawful representatives, and for non-compliance with such order the commissioners

and the treasurer of said district respectively and their sureties shall be liable upon their respective bonds. And the court may make any other or further order in pursuance of the objects of this section of this Act, as justice to all persons whose interests may be affected by it may require.

§ 51. When a ditch or drain of a district has been located under the provisions of this Act, of sufficient capacity to carry off the water that flows into it, and also to properly drain the land taxed for the construction of the same, such land shall not again be taxed or assessed for the purpose of improving any lands of any drainage district lying above the lands so drained and assessed.

§ 59. If, after an assessment of lands throughout the district has been made for the purpose of constructing drains or ditches, or enlarging or repairing the main drains or ditches of said district, according to the profiles, plans and specifications of the commissioners, as reported and confirmed, there remain lands in particular localities in said district, which are in need of more minute and complete drainage, and it shall appear to the commissioners that, in their judgment, additional ditches, drains, outlets, levees, pumping plants or other work are needed, in order to afford more complete drainage, they may prepare a special report as hereinafter provided and file the same and organize a sub-district in the manner hereinafter set forth without the necessity of a petition of the land owners therefor: *Provided*, that no sub-district organized upon the petition or report of the commissioners shall include territory embraced within the corporate limits of any city, village or incorporated town, unless, however, the proposition whether said territory shall be so embraced shall have been submitted to the legal voters residing within said territory and said proposition shall have received favorably a majority of the votes cast at an election called for that purpose by the commissioners and held within said territory, and in all cases where, upon written application to the commissioners, signed by a majority in number of the adult land owners in such locality owning in the aggregate more than one-third of the land affected, or by the adult land owners of a major part of the land in such locality who constitute one-third or more of the owners of the land affected, it shall appear that additional ditches, drains, outlets, levees, pumping plants or other work are necessary in order to afford more complete drainage to such locality, it shall be the duty of such commissioners to examine such lands, and lay off and make plans, profiles and specifications of such additional work, and an estimate of the cost of the same and make a special report thereof, which special report, whether filed on petition of the land owners or not, shall describe all of the lands which will be either benefited or damaged by such additional work, together with the names of the owners, when known; and said commissioners may use any money in their hands not otherwise appropriated to pay the necessary expenses of preparing said special report: *Provided*, said sum to be expended shall in no case exceed the sum of \$500.00; the special report when prepared by the commissioners shall be filed with the clerk of the county court, and the commissioners shall give to all persons whose lands will be either benefited or damaged, whether they signed an

application for additional work or not, three weeks' notice of the filing and hearing of such report in the manner required by section three (3) of this Act; said notice shall state that the commissioners will appear before the county court at a day mentioned in said notice, and ask said court for a confirmation of such special report; and upon said hearing the court shall pass upon said report and may permit the same to be amended, and if said report is confirmed and approved by the court, a special assessment of benefits and damages shall be made upon all the lands benefited or damaged by the proposed work, in the manner provided for the making of the original assessments of the benefits and damages by this Act; and like proceedings shall be had therein as in other cases of assessment of benefits and damages provided by this Act; and the said commissioners may cause to be levied an assessment of annual benefits in said sub-districts in the same manner as annual benefits are levied in original districts under this Act: *Provided*, that if said sub-district does not own or operate a pumping plant, such annual benefits shall not in any one year amount to more in the aggregate than a sum which would be produced by a levy of thirty cents per acre on all the lands within said sub-district.

The affidavit of any of the commissioners, or any other creditable person, of the posting and mailing thereof affixed to a copy of said notice shall be sufficient evidence of the posting and mailing of said notices, and the certificate of the publisher of the newspaper in which said notice was published, shall be sufficient evidence of the publication of such notice.

Upon confirmation of said special report by the court, it shall be the duty of the court to declare all the lands found to be affected by the work proposed by said special report, to be organized into a sub-district, and all assessments received and collected in such sub-district, for the work of such sub-districts, shall be kept as a separate fund belonging to such sub-district, and said commissioners shall have the power if necessary to issue bonds against any assessment or assessments in said sub-district in the same manner as bonds are issued in original districts.

The commissioners of the principal district shall be *ex officio* commissioners of the sub-district.

Any lands lying outside of any sub-district as organized, the owner or owners of which shall thereafter make connections with any ditch or drain within any sub-district, or whose lands are or will be benefited by the work of such sub-district, shall be deemed to have made voluntary application to be included in such sub-district, and thereupon the commissioners shall make complaint as provided in section fifty-eight of this Act as to lands lying outside of a drainage district as organized, and like proceedings shall be had thereon as in cases of complaints made under said section fifty-eight.

§ 62. On the first Monday of September, in each district heretofore organized under this Act, and on the first Monday of September after any district may hereafter be organized under this Act, the county court shall appoint three commissioners for each respective district, one to

serve one year, one two years and one for three years from the date of the first appointment under this section, and on the first Monday of September of each year thereafter the said court shall appoint one commissioner of said district who shall hold his office for three years, and until his successor is chosen and qualified, but in all districts now organized or hereafter to be organized for the construction, reparation and protection of drains, ditches and levees for agricultural purposes, the court shall appoint as commissioner or commissioners, only such persons as shall be petitioned for by adult land owners representing a majority of the acreage embraced in the district: *Provided*, such petition is filed in said court on or before the first day of September aforesaid. In case such petition is not filed, as aforesaid, then said court, within ten days after the said first Monday in September, shall appoint some suitable person or persons as commissioner or commissioners of said district without such petition: *Provided*, that at any time after the drains, ditches or levees, for the construction of which the district was organized, have been finally completed, the court may, on petition therefor, as aforesaid, dispense with two commissioners, and thereafter appoint for such district, in accordance with this Act, but one commissioner, such one commissioner to hold office for the term of three years from his appointment, and until his successor is chosen and qualified, and he shall perform the duties and exercise the powers thereof vested and imposed upon the three commissioners of such district. Whenever, upon the petition of one or more land owners of said district, it shall appear to the court that additional work is needed in said district, the court may again appoint three commissioners for said district.

§ 2. And be it further enacted that sections fifty-two, fifty-three and fifty-four of the said Act be and the same are hereby repealed; saving and reserving, however, any rights that may have heretofore accrued thereunder.

§ 3. WHEREAS, An emergency exists, therefore, this Act shall be in force from and after its passage.

APPROVED June 27, 1913.

ADJOINING DRAINAGE DISTRICTS—CONNECTION.

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| <p>§ 1. Connection with adjoining district authorized.</p> <p>§ 2. District benefited liable for portion of cost of work, etc.—recovery.</p> <p>§ 3. Contracts to adjust amounts to be paid by each district—approval of contract by county court.</p> <p>§ 4. Notices of hearing on approval of contract.</p> <p>§ 5. Proceedings at hearing—review of decision.</p> <p>§ 6. Duty of commissioners where no contract made or contract disapproved.</p> | <p>§ 7. Summons against district benefited—where heard—practice.</p> <p>§ 8. Court to determine sum and render judgment.</p> <p>§ 9. What petitioning district need not prove—set off by defendant.</p> <p>§ 10. Report of annual benefits to court—hearing—summons—practice.</p> <p>§ 11. Court to determine amount of annual benefits.</p> <p>§ 12. Judgment—order for collection of annual benefits from land owners.</p> |
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ADJOINING DRAINAGE DISTRICTS-CONNECTION—*Concluded.*

§ 13. Payment of judgment.

§ 14. Suit against corporate authorities.

§ 15. Trial by jury—venire.

§ 16. Limitation of action or pleading.

§ 17. Repeals Act of 1903—rights saved.

§ 18. Invalid portion not to affect valid portion.

(SENATE BILL NO. 395. APPROVED JUNE 28, 1913.)

AN ACT to enable adjoining drainage districts to connect their ditches, drains, levees, or other works, and to provide for the apportionment of the cost of the construction, operation and maintenance of the work of a drainage district where lands in an adjoining district are benefited thereby, and to repeal an Act therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any drainage district organized under any law of this State, shall have the right to connect its levees, ditches, or drains with the levees, ditches, or drains of any adjoining district.

§ 2. That whenever any drainage district heretofore, or that may hereafter be organized under any law of this State, constructs, enlarges, extends or improves its ditch, ditches, drains, levees, or pumping plant or plants, or which has heretofore constructed, enlarged, extended or improved its ditches, drains, levees, or pumping plant or plants, within or beyond its boundaries in the manner provided by law, so as to benefit the lands or any part thereof, within any adjoining drainage district, such district so benefited shall be liable to the first mentioned district for the just proportion of the cost of such work or improvement and the maintenance, operation and repair thereof, based upon the amount each district will be benefited thereby; and the fact that the district constructing the work or improvement herein mentioned, is organized and operating under a different law of this State from that under which the other district so benefited is or was organized or is operating, shall not preclude a recovery hereunder by such district making such improvement.

§ 3. Whenever any such district constructs, enlarges, extends or improves its ditch, ditches, drains, levees, or pumping plant or plants, or which has heretofore constructed, enlarged, extended or improved its ditches, drains, levees or pumping plant or plants, in the manner provided in the preceding section so as to benefit the lands of any other adjoining district, the commissioners of said districts may enter into contract, in writing, settling and adjusting the respective amounts to be paid by each of said districts for the construction, operation and the maintenance of said work. Upon entering into said contract, the commissioners of the district so constructing, enlarging, extending or improving its said ditch, ditches, drains, levees or pumping plant or plants, or which has heretofore constructed, enlarged, extended or improved its ditches, drains, levees or pumping plant or plants, shall file a petition in the county court of the county where said district was organized, asking for the approval of said contract by said court to which shall be attached a copy of said contract.

§ 4. Upon the filing of said petition, the court shall set the same for hearing and the clerk of said court shall cause two weeks' notice of said hearing to be given by publishing a notice thereof for two successive weeks in some newspaper or newspapers published in the county or counties where such interested districts are situated, in whole or in part, and by posting up four copies thereof in four of the most public places within each of said districts; such notice shall be addressed to "All persons interested," and shall state when and in what court said petition was and is filed, the time and place of hearing thereon, and the general purpose of such hearing. Also, at least 7 days before the time fixed for said hearing, the said clerk of said court shall mail, postage prepaid, to each one of the property owners in said drainage districts, a notice of the time, place and general purpose of said hearing: *Provided*, that where the land owners are unknown or their address[es] cannot upon diligent inquiry be found, then the service herein by posting and publication shall be sufficient service. The certificate of the clerk of said court or the affidavit of any other credible person that said notice has been published and posted and the said notice mailed, postage prepaid, to each of said property owners as herein required shall be sufficient proof of these facts.

§ 5. Upon such hearing, all persons interested shall have a right to be heard, and the court shall make an order approving or disapproving such contract, as the circumstances of the case shall require. If, upon such hearing said contract shall be approved, the same shall thenceforth be binding upon said districts and their successive commissioners and shall be and constitute the measure of liability of each of said districts to the other, on account of such construction, operation and maintenance: *Provided*, nothing contained herein shall in any way be construed to prevent or interfere with the right of said drainage districts, or either of same, or any one or more of the interested land owners in either of said districts, from having the decision or judgment of said court reviewed, either upon appeal or writ of error precisely in the same way and under the same rules of law and practice as now appertain to other matters in law or chancery.

§ 6. In case the commissioners of the said adjoining drainage districts shall fail to enter into a contract settling and adjusting the liability of each to the other, as provided in section 3 of this Act, or in case such contract may have been entered into and disapproved by the county court on a hearing, under section 5 of this Act, it shall be the duty of the commissioners of such first mentioned districts to file a petition, sworn to by at least two of the commissioners of said district, in the county court of the county where such district first mentioned was organized, against such other district, setting forth the facts and other matters under which it claims relief, together with a map, profile and specifications of the improvement or work done or proposed to be done by said district, and an estimate of the cost thereof.

§ 7. Upon the filing of such petition the usual common law summons shall issue out of said court against such other district benefited by the work of the petitioning district, which summons may be directed to any county in the State for service and return, and shall be served upon the commissioners of such other district as in common law cases. Said cause shall be heard and tried at any probate or common law term of said court, and the practice shall be as in cases at common law.

§ 8. Upon the hearing of said cause the court in which said petition was filed shall determine from the evidence what sum, if any, either district shall receive from the other and shall render judgment therefor accordingly.

§ 9. Upon such hearing it shall not be necessary for the petitioning district to prove or establish that it has completed the construction of the work or improvement herein referred to, but it shall be sufficient that such work or improvements be laid out and approved by the authority provided by law. In such proceeding it shall be competent for the defendant district to set off or recoup any benefits occasioned to such petitioning district, or the lands thereof, by reason of any work or improvement constructed or authorized to be constructed by such defendant district.

§ 10. Whenever a drainage district adjoining any other drainage district shall operate and maintain any ditch, ditches, drains, levees or pumping plant or plants, the operation or maintenance of which shall benefit in any degree the district so adjoining such drainage district, or the lands thereof, and where contract has not been entered into and approved as provided by sections 3, 4 and 5 of this Act, the commissioners of said district so operating or maintaining such works shall annually in the July term of the county court of the county where said district was organized, file a report and estimate showing the amount of annual benefits estimated to be required for the operation and maintenance of such works for the ensuing year and what proportion thereof they estimate should be borne by each of said districts. Upon the filing of said report the court shall set the same for hearing and a summons shall issue, directed to any county in the State, against the commissioners of said adjoining district: *Provided*, at least ten days shall intervene between the date of service on said commissioners and such hearing, and that service upon any one or more of said commissioners shall be sufficient service on the district which such commissioner or commissioners so served represents or represent. Upon such hearing, the practice shall be as in common law cases, and said hearing may be had in either the law or probate term of said court.

§ 11. Upon said hearing the court shall determine what amount shall be necessary for annual benefits for the district so filing said report and what proportionate amount of the same shall be borne by each district, and on such hearing said defendant district shall have the right to set off or recoup any benefits occasioned by the operation or maintenance of its improvements to the said district so filing such report.

§ 12. Upon the conclusion of said hearing, the court shall enter judgment according to the finding of the court and shall order and direct each of said districts to proceed to collect, from the land owners of said districts, as benefits, the respective amounts which said court has found should be borne by such respective districts, and which annual benefits shall be assessed and collected according to the provisions of the laws under which said districts shall be organized, and when so collected, shall be paid as provided in the order of said court entered on the hearing on the said report of said commissioners.

§ 13. The commissioners of the district agreeing to pay or against which judgment shall be entered, as provided for in this Act, shall without delay pay the same out of the funds of said district, if any, that may be lawfully applied for that purpose; otherwise the commissioners of the district, against which judgment is entered or which shall have agreed to pay as aforesaid, shall without delay levy an assessment against the lands of such district for the purpose of paying such judgment, in the manner provided by the law under which said district may be organized, or operating.

§ 14. In case the district by or against which proceedings may be instituted under this Act is authorized by law to sue or be sued in the name of the corporate authorities thereof and not in the name of the district itself, then in such case, the proceeding hereinbefore mentioned shall be brought by or against such district, as the case may be, in the name of the proper corporate authorities thereof.

§ 15. In any proceeding under the provisions of this Act, any party thereto, on request, shall be entitled to a trial by jury. In any such case the clerk of said court shall issue a venire or venires for such number of jurors as the said court may order, and from whom said jury shall be selected, as in other cases at common law.

§ 16. The period of limitation of any suit or proceeding brought under the provisions of this Act, or upon any set-off or recoupment pleaded as a defense in any such suit or proceeding, shall be ten years from the time of the constructing, enlarging, extending or improving such ditch, ditches, drains, levees, pumping plant or plants.

§ 17. That an Act entitled, "An Act to require drainage districts lying above a lower drainage district, or emptying into a lower drainage district, whether such districts be organized under the same, or different drainage laws of this State, to pay to the lower drainage district, for benefits received, if any, by the lands of the upper district, by the enlarging or improving of the ditches or drains of the lower district, or the construction of an outlet or outlets from the ditches or drains of the lower district, within or outside the boundaries of said lower district; and to provide for the collection and payment of such benefits," approved May 14, 1903, in force July 1, 1903; as amended by an Act approved and in force April 13, 1911, be and the same is hereby repealed, saving and reserving, however, any rights that may have accrued thereunder.

§ 18. The invalidity of any portion of this Act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

APPROVED June 28, 1913.

ADJOINING DRAINAGE DISTRICTS—JOINT WORKS.

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| § 1. Joint systems authorized. | § 4. Notice of hearing. |
| § 2. Contract in writing. | § 5. Hearing on contract—measure of liability—subsequent contract. |
| § 3. Petition to county court for approval of contract. | § 6. Appeal to Supreme Court. |

(HOUSE BILL NO. 820. APPROVED JUNE 27, 1913.)

AN ACT to enable adjoining drainage districts to construct and erect a joint pumping station or joint pumping stations, ditches, levees, or other works, to contract for the proportion of the cost of construction and maintenance of the same to be paid by each, and providing for the approval of the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That adjoining drainage districts, whether organized under the same or different laws of this State, may construct and erect a joint pumping station or joint pumping stations, ditches, levees, or other works, and may maintain and operate the same as hereinafter provided.

§ 2. That whenever the commissioners of any adjoining drainage districts may determine that it is necessary or advisable to construct, erect, maintain and operate, a joint pumping station or joint pumping stations, ditches, levees, or other works for the joint use of both districts, they may enter into contract in writing providing for the construction, erection, operation and maintenance of the same, and providing for the apportionment of the cost of the same between said districts.

§ 3. Upon entering into such contract, the said commissioners shall file a petition in the county court of the county where said districts are located, or if said districts are located, in whole or in part, in two or more counties, in one of said counties, asking for the approval of said contract by said court, to which shall be attached a copy of said contract.

§ 4. Upon the filing of said petition, the said court shall set the same for hearing and the clerk of said court shall cause two weeks' notice of said hearing to be given by publishing a notice thereof for two successive weeks in some newspaper or newspapers published in the county or counties where such contracting districts are situated, in whole or in part, and by posting up four copies thereof in four of the most public places within each of said districts; such notices shall be addressed to "All persons interested," and shall state when and in what court said petition was and is filed, the time and place of hearing thereon, and the general purpose of such hearing. The certificate of the clerk of said court or the affidavit of any other credible person that said notice has been published and posted as herein required shall be sufficient proof of these facts.

§ 5. Upon such hearing, all persons interested shall have a right to be heard, and the court shall make an order approving, modifying or disapproving such contract, or shall make any other order, as the circumstances of the case shall require. If, upon such hearing, the said con-

tract, as so presented, or as modified by order of said court, be approved, the same shall thenceforth be binding upon said districts and their successive commissioners and shall be and constitute the measure of liability of each of said districts to the other, on account of such construction, erection, maintenance and operation, until the same may be modified or set aside by a subsequent contract between the commissioners of said districts, approved as herein provided.

§ 6. Appeals from any order entered under this Act may be taken to the Supreme Court of this State by any person interested.

APPROVED June 27, 1913.

KASKASKIA ISLAND SANITARY AND LEVEE DISTRICT.

Preamble.

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KASKASKIA ISLAND SANITARY AND LEVEE DISTRICT—*Concluded.*

§ 52. Report to be evidenced.

§ 55. Corporation may buy in.

§ 53. Application for judgment—sale—revenue laws to govern.

§ 56. Wilful injury, etc., to drain—penalty.

§ 54. General revenue laws apply.

(SENATE BILL NO. 272. APPROVED JUNE 28, 1913.)

AN ACT to create the "*Kaskaskia Island Sanitary and Levee District*," to comprise the Island of Kaskaskia in Randolph county, and to provide for the construction, reparation and protection of drains, ditches and levees for sanitary and agricultural purposes therein, and to punish any one impairing any of the work done by the said district.

WHEREAS, A majority of the legal voters of the Island of Kaskaskia and a majority of the land owners owning the major portion of the land upon said island, have petitioned the General Assembly of Illinois to organize for them a sanitary and levee district comprising the lands of said island; and,

WHEREAS, In order to provide adequate and effectual protection to the health and to promote the welfare of the inhabitants of the Island of Kaskaskia and adequate and effectual protection to the lands, lots, and grounds of the said island from wash and overflow, and to protect the same against inundation, it is necessary that a sanitary and levee district be organized to embrace all the lands of the said island for the construction of drains, ditches, levees and other work for sanitary and agricultural purposes; therefore,

SECTION 1. NAME.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a sanitary and levee district be and the same is hereby created embracing all the territory of the said island of Kaskaskia and all accretions thereto, to be known as "*The Kaskaskia Island Sanitary and Levee District*," by which name it shall exist as a public corporate body, sue and be sued, conduct the business of said corporation, have perpetual existence, and shall perform and execute all the powers conferred upon it by this Act or incident thereto, have a common seal, and change the same at pleasure.

§ 2. OBJECT AND PURPOSE.] The object and purpose of creating said drainage and levee district is to provide adequate and effectual drainage of the land of the said Kaskaskia island by artificial drains, canals, ditches, levees, and other drainage and levee facilities, and to provide the ways and means necessary to carry out and accomplish said object and purpose, and thereby to benefit and make more valuable the land on said island and in said district, and to preserve and promote the health of the residents thereof, and that in order to carry out and render effective said object and purpose the courts of the State shall construe this Act liberally, and as an exercise by the Legislature of all power appertaining to it necessary for the benefit and protection of the lands on said island and in said district hereby created, and also of the lives and health of the residents thereof.

§ 3. COMMISSIONERS—HOW APPOINTED.] The business of said corporation shall be conducted by three commissioners who shall be resident

land owners residing upon said island, and who shall be appointed by the circuit court of Randolph county, in term time or by the judge thereof in vacation by an order signed by the presiding judge of said court, or if in vacation by the judge thereof who presided at the preceding term thereof, and filed with the clerk thereof and duly entered of record, which said commissioners shall be appointed upon the passage of this Act, one of whom shall be appointed to serve for the period of one year, one for two years, and one for three years, each to serve until his successor is duly appointed and qualified as provided for by this Act; the successors of each to be appointed for a term of three years, provided that any of said commissioners may be removed for cause, by the court at any time; the said appointment, to be made after the first appointment on the first Monday of July of each year, beginning with the year 1914, or as soon thereafter as the court can make said appointment.

§ 4. ORGANIZATION AND OFFICERS OF BOARD.] Upon the appointment of said commissioners as herein provided and as soon as each appointment is made thereafter, said commissioners shall meet and organize by selecting one of their number president of the board, another secretary, and by choosing a clerk and treasurer as hereinafter provided, who shall not be members of said board.

§ 5. TREASURER'S TERM OF OFFICE—COMPENSATION AND BOND.] The treasurer may or may not be a resident of the island as the commissioners may choose, but shall be a resident of Randolph county, such treasurer to be appointed for a term of two years, unless sooner removed by the commissioners, who shall have the power to remove such treasurer, at any time, they may regard such a step necessary, for the proper protection of said funds, or until his successor is duly appointed and qualified as provided by this Act, and he shall receive such compensation for his services as treasurer as may be allowed by the commissioners, and give such bond with such conditions as may be required by the commissioners, both of which shall be fixed by resolution before his appointment and shall not be changed, except that his bond may be increased or additional security required at any time, during the period for which he was appointed, and bond shall be required of him in some responsible surety company, the fees for which shall be paid by the corporation, and all funds paid out by said treasurer shall be upon orders signed by the president and secretary of the board of commissioners. And he shall make a detailed report of his receipts and disbursements to the commissioners on or before July first of each year, and oftener if required by them, and shall file the same with the clerk of the board, together with a certificate from the depository where he may keep said funds, that any balance shown on hand by his report is to his credit, all of which shall be recorded by the clerk.

§ 6. RECORD OF TREASURER'S BOND.] The treasurer when appointed shall file his bond with the clerk of the board of commissioners and the same shall be approved by the commissioners. Whereupon the clerk of the board shall record the same in the records of the board and then have the same recorded in the recorder's offices of Randolph county. And shall also file a certified copy of the same, certified to by the county recorder of Randolph county, with the State Treasurer of Illinois, before

he shall be required to pay to said treasurer any of the income from the Kaskaskia Commons Permanent School Fund to said treasurer as may now or hereafter be provided by law.

§ 7. PRESIDENT'S DUTIES.] The president of said board shall be the chief executive officer thereof, and shall preside at all its meetings and may call any special meeting he may deem necessary. And he shall sign all orders for the payment of money by the treasurer and the secretary of the board shall countersign all of said orders, and shall see that the clerk keeps a full and correct record of all the proceedings of said board, and shall read over and countersign all records and proceedings of said board. And the treasurer shall pay out no moneys for said corporation except upon orders duly signed by the president and secretary of said board.

§ 8. CLERK'S DUTIES.] The board of commissioners as soon as organized shall select some suitable person, a resident legal voter of said island as clerk of said board who shall be appointed for the term of two years, whose duty it shall be to keep open and maintain some suitable office or place for the commissioners to meet and transact their business, and which shall be known as the office of the board, and which shall be provided by the board, and he shall have charge of all the books, records, papers and corporate seal of the board, and shall truly and correctly keep a full and complete record of all the meetings, proceedings and official acts of the board in a well bound book kept for that purpose and shall do all the clerical work of the board, and all certified copies of such records and files made and certified to by him under the seal of said corporation shall be competent evidence in any court as to the contents of the same, and the said clerk shall receive such monthly compensation for his service as the commissioners may determine before his appointment and shall be subject to removal from office by said commissioners at any time for any good cause, to be by them determined.

§ 9. COMMISSIONER'S COMPENSATION.] The commissioners herein provided for shall be compensated for their services as commissioners in the sum of four dollars (\$4.00) per day, for each day actually put in, in and about the performance of the duties imposed upon them by this Act and they shall render and file with the clerk of said commissioners on or before the 10th day of each and every month, an itemized statement of the number of days they have put in for the preceding month, verified by their affidavit. They shall also include in said statement any necessary expenses they have incurred in and about the performance of their duties, which shall likewise be allowed to them.

§ 10. CORPORATE POWERS.] The said Kaskaskia Island Sanitary and Levee District shall be and is hereby authorized and it shall be its duty to build levees, construct all necessary ditches and drains and to erect all pumping stations that they may deem necessary, and to build all roads and bridges to complete said improvements and to protect, maintain and operate the same, and to make any other necessary improvements upon said island for the purpose of protecting the health of the inhabitants of said island and all the lands of the island from wash and

overflow, that the commissioners may deem necessary for that purpose, and that will render the said island a more sanitary place to live, and the land thereof more susceptible of cultivation in so far as it is practicable to do so, and the cost thereof does not exceed the benefits to be derived therefrom by the property assessed and to keep up and maintain said improvement, and for the purpose of making said improvement, the said Kaskaskia Island Sanitary and Levee District is hereby authorized and empowered to raise money for said improvements by the special assessment of the property benefited, including all public highways and public property upon said island benefited thereby, and said corporation shall be and is hereby authorized to procure, accept and receive any appropriations either from the State or national government, or voluntary donations or subscriptions from any other source whatsoever for the purpose of making said improvements or the performance of any of the duties imposed upon it by this Act.

§ 11. MAY EMPLOY ENGINEERS.] Said corporation shall also be empowered and is hereby authorized to employ any and all engineers, attorneys, clerks and labor necessary to enable them to fully and faithfully carry out the duties imposed upon them by this Act and to make and enter into contracts for that purpose.

§ 12. EXPENSE OF ORGANIZATION.] Said commissioners shall first pay out of any funds received by them other than by special assessment the preliminary expenses of employing attorneys, and the necessary expenses of committees and any and all other necessary expenses in procuring the passage of this Act, and all other legislation necessary to attain the objects and purposes contemplated by this Act, including any expenses and attorney's fees necessarily expended in and about any legislation concerning the management or control of the Kaskaskia Commons Permanent School Funds, whereby this corporation may be benefited, and if no other funds are available for such purposes then the same may be included in any special assessment made for the improvements made upon said island by said district, as a part of the expenses thereof, or for the engineering and all other preliminary expenses provided for in this section for any improvement they may contemplate, make a preliminary assessment on the lands, lots or parcels of lands proposed to be included in any improvement made by them for the purpose of paying and defraying said expenses, which shall be made in the same manner as the assessment made for the work, except that it need not be confirmed by the circuit court of Randolph county, but shall be made by a proper ordinance passed by the said commissioners and entered upon their record, and the finding of the said commissioners of the necessity of said assessment shall be conclusive, which said assessment shall be payable on or before January 2d, after it is made and shall be collected by the clerk of the board and turned over to the treasurer of the board, and any unpaid portion thereof shall be returned delinquent to the county treasurer of Randolph county by March 10th, after the same becomes due, and collected in the same manner as other general taxes.

§ 13. SHALL KEEP RECORDS AND PASS ORDINANCES.] Said commissioners shall cause the clerk of said board to keep a record of all the meetings, proceedings, contracts, orders and acts done and performed by them, in a well bound book to be kept by the clerk for that purpose, and may make such rules and pass such ordinances as may be necessary to carry out the objects and purposes of this Act, and such as may be necessary to enable them to protect the work done by them, and as may be necessary to aid them in carrying out the work contemplated by this Act and to protect and preserve the work done by them under this Act.

§ 14. PROOF OF RESOLUTIONS AND ORDINANCES.] All ordinances, orders and resolutions and the date of passage or posting thereof may be proven by the certificate of the clerk of said board under the seal of the corporation and when printed in book or pamphlet form, purporting to be published by authority of the board of trustees, such book or pamphlet shall be received as evidence of the passage and legal publication thereof as of the dates mentioned therein in all courts and places without further proof.

§ 15. MAY CONDEMN PROPERTY.] Said corporation shall have the power to acquire by purchase, condemnation, or otherwise, any and all real and personal property right-of-ways, and privileges, either within or without its corporate limits, required for its corporate purposes, and when such property is no longer required for such purposes, to sell, convey or otherwise dispose of the same, such condemnation to be had under the eminent domain laws of the State, as provided by Chapter 47 of Hurd's Revised Statutes, 1911, being "An Act to provide for the exercise of the right of eminent domain," in force July 1, 1872, and all amendments thereto.

§ 16. DETERMINATION OF COMMISSIONERS TO BUILD LEVEES, ETC., BY SPECIAL ASSESSMENTS.] Whenever it shall be determined by the commissioners to build any levee, drain, pumping station, road, bridge or other public improvement provided for by this Act, by special assessment of the property benefited thereby, they shall proceed to employ competent engineers to make plans and specifications therefor and have them submit the same to them for their approval, together with an estimate of the cost thereof, and also the annual cost of maintaining the same, and if they shall deem the said improvement feasible, and that the cost of the same will not exceed the benefits to be derived therefrom, they shall thereupon pass an ordinance in which they shall describe the nature, kind, character, locality, extent and cost of making and maintaining the said improvement, and which ordinance shall provide that such improvement shall be made and maintained by special assessment of the lands, lots, pieces or parcels of lands, and all interests therein for life or a term of years benefited thereby, and shall cause to be attached to said ordinance a copy of the estimates, plans and specifications provided by the engineer and if it is necessary to condemn private property for said improvement said ordinance shall provide for such condemnation and specifically describe the property to be condemned.

§ 17. CONDEMNATION PROCEEDINGS.] Upon the passage of any ordinance for a local improvement, as provided for by the preceding section, which provides for the taking of private property for said improvement, the commissioners shall proceed to secure said property by agreement with the parties, if possible, but if unable to do so, shall proceed to condemn such property before the filing of the petition in court for the confirmation of said assessment roll, and shall secure judgment for said property, so that the amount of damages may be fixed and included in the assessment roll made out by them, and the fact of such agreement or condemnation proceedings and the judgments obtained therein, shall be set forth in the petition to be filed for the confirmation of said assessment: *Provided*, said corporation shall not be required to take and pay for said lands so acquired until said assessment roll is confirmed and until it desires to take possession of said lands, which shall be in such time as may be fixed by the court.

§ 18. PETITION TO CIRCUIT COURT.] Upon the passing of any ordinance for a local improvement pursuant thereto, as provided by this Act, and the securing of such property by condemnation or agreement by the commissioners as may be required by the ordinance, it shall be the duty of the officer or attorney specified therein to file a petition in the circuit court of Randolph county, in the name of such corporation setting forth that the condemnation proceedings required by the ordinance if any have been completed, and praying that steps may be taken to levy a special assessment for the said improvement in accordance with the provisions of the said ordinance. There shall be attached to or filed with such petition a copy of the said ordinance, certified by the clerk of the board of commissioners under the corporate seal of the corporation and also a copy of the plans and specifications and the estimate of the cost and maintenance as made by the engineer. Failure to file any or either of these copies shall not effect the jurisdiction of the court to proceed in said case and to act upon said petition, but if it shall appear in any such cause that such copies have not been attached to or filed with such petition before the filing of the assessment roll therein, then upon motion of any objector for that purpose on or before appearance day in said cause, the entire petition and proceedings shall be dismissed unless petitioner shall attach or file said copies in said proceeding, in such time as the court shall allow.

§ 19. REQUIREMENTS OF PETITION.] There shall also be attached to said petition or filed therewith an assessment roll which shall be made out by the commissioners spreading and levying a special assessment against the property benefited by the improvement provided for in said ordinance, and divided into such installments as the said ordinance may provide, not exceeding twenty, which said assessment shall be a true and impartial assessment of the cost of constructing said improvement, including cost of acquiring right-of-ways, engineering, attorney's fees, court costs, and all expenses incident thereto, upon the property benefited thereby, and it shall be the duty of such commissioners in making such assessment to apportion and assess the amounts so found to be of benefit to the property upon the several lots, pieces or parcels

of land in the proportion in which they will be severally benefited by said improvement, provided that no lot, block, tract, piece or parcel of land shall be assessed a greater amount than it will be actually benefited thereby, and in making said assessment each lot, block, tract, piece or parcel of land shall be assessed separately, and in tracts not exceeding forty acres, when it can be done.

§ 20. ASSESSMENT ROLL.] The assessment roll shall contain a list of all the lots, blocks, tracts, pieces or parcels of land, assessed for the purpose of making the improvement, the amount assessed against each for such cost, the name of the owner, if known, and in case the assessment is divided into installments, the amount of each installment shall also be stated, and the commissioners shall certify under oath that they verily believe that the amounts assessed against each parcel of property for the cost thereof are just and equitable and do not exceed the benefit which will in each case be derived from said improvement, and that no lot, block, tract, piece or parcel of land has been assessed more than its proportionate share of the cost of said improvement.

§ 21. NOTICE OF APPLICATION FOR CONFIRMATION OF ASSESSMENT ROLL.] Upon the filing of the petition and assessment roll in the circuit court, as above provided, the same shall be set down for hearing by the court if in session, and if not in session the same shall be set down for hearing on the first day of the next succeeding term of said court; notice shall be given to all persons interested of the nature of the improvement of the pendency of said proceedings, of the time and place of filing of the petition therefor, of the time and place of filing the assessment roll therein, and of the time and place at which such application will be made for confirmation of the assessment, the same to be not less than fifteen days after the filing of said petition and assessment roll, by publishing the same in some secular newspaper of general circulation published in said county of Randolph for three successive weeks, and by posting ten notices in ten of the most public places in said district and one on the front door of the county court house of said county at least ten days before said day of hearing, and by mailing a copy of said notice within three days of its first publication in said newspaper, by mail, post-paid, to each of the said owners of said lands, when known, who may be non-residents of the said county of Randolph at his last known place of residence. Such notice shall be signed by the clerk of the circuit court of Randolph county, and shall be posted, mailed and caused to be published by him, and before the hearing on the said petition and assessment roll, the said clerk shall file his affidavit, showing his compliance with the requirements of this section and showing that the affiant, either by himself or through someone acting under his directions, made a careful and a diligent search for the residence of said land owners. Which affidavit of the clerk shall be good and sufficient proof that the notice of said proceeding has been given as aforesaid. The court may also hear oral testimony or avail itself of any other proof that said notices have been properly published, posted and mailed as herein provided.

§ 22. POWERS OF COURT TO REVISE.] Upon petition or motion for that purpose the court in which said petition is pending may, in a summary way, inquire whether the commissioners making the report omitted any property benefited; also whether or not the assessment as made and returned is an equitable and just distribution of the cost of said improvement among the parcels of property assessed, and the court shall have the power on such application being made to revise and correct the assessment roll, to change or modify the distribution of the total cost among the property benefited, to change the manner of distribution among the parcels of property so as to produce a just and equitable assessment, considering the nature of the property assessed, and its capacity for immediate use of the improvement when completed, and the court shall also have power to inquire into the nature, character and extent of the improvement and to determine whether or not the same, as provided for by said ordinance, is ample and sufficient to attain the purposes sought to be attained for agricultural and sanitary purposes, and whether or not it includes all lands that are benefited thereby, or excludes any lands that should be included therein which would be benefited thereby, and whether or not it is ample, adequate and substantial enough to accomplish the purpose sought to be accomplished thereby, and to redeem and protect all the lands upon said island that will be benefited thereby: *Provided*, that no lands shall be included where the cost of redeeming the same would exceed the benefits to be derived therefrom, and for that purpose the court may require the commissioners and the engineers employed by them to make any additional surveys, plans, and specifications and report the same to the court, and may cause the commissioners to make and certify a new assessment roll, in accordance with the report of said engineers and the views of the court, and upon a full and final hearing thereof, the court shall enter an order determining the matters aforesaid and determining all questions relating to the sufficiency of the proceedings except the objection that the property of the objector will not be benefited to the amount assessed against it, and that said property is assessed more than its proportionate share of the cost of said improvement, and the court's finding thereon shall be conclusive and not subject to review or writ of error.

§ 23. HEARING ON BENEFITS.] Then upon the application of any objector the court shall fix a time for a hearing of any objector that his property is not benefited to the amount assessed against it, and that it is assessed more than its proportionate share of the cost of such improvement and if a jury be not waived by agreement of the parties, the court shall empanel a jury to try that issue, and in such cases unless otherwise ordered by the court, all such objections shall be tried and disposed of before a single jury. The assessment roll as finally returned and approved by the court or as revised and corrected by the court, shall be *prima facie* evidence of the correctness of the amount assessed against each objecting owner and either party may introduce such other evidence as may bear on such issue. The hearing shall be conducted as in other cases at law, and if it should appear that the premises of any objector

are assessed more than they will be benefited by said improvement, or more than its proportionate share of the cost of such improvement, the jury shall so find and shall also find the amount for which such premises ought to be assessed and judgment shall be rendered accordingly.

§ 24. DISTRIBUTION OF CHANGES IN ASSESSMENT.] Whenever on a hearing by the court or before a jury, the amount of any assessment shall be reduced or changed so that there shall be a deficiency in the total amount remaining assessed in the proceeding, the court shall have the power in the same proceeding to distribute such deficiency upon the other property in the district, in such manner as the court shall find to be just and equitable, not exceeding, however, the amount it will be benefited by said improvement. In case any portion of such deficiency shall be charged against any property not represented in court, a new notice of the same nature as the original notice shall be given in like manner as the original notice, to show cause why the said assessment as thus increased should not be confirmed and the owners of or parties interested in such property shall have the right to object in the same form and with the same effect as in case of the original assessment and the court shall have the same power to dispose thereof.

§ 25. DIVISION INTO INSTALLMENTS.] It shall be lawful for said commissioners also to provide by the ordinance for any local improvement, the cost of which is to be defrayed by special assessment; that the aggregate amount assessed and each individual assessment made for the cost of said improvement be divided into installments of not more than twenty in number, and each a multiple of one hundred dollars (\$100.00), the first installment to fall due and be payable on the 2d day of January, next after the date of the confirmation of said assessment by the court, and the second installment one year thereafter, and so on, annually, until all installments are paid, all installments to bear interest from the date of the confirmation of the assessment roll at the rate of six per centum per annum, the interest on each installment to be due and payable on the second day of January next succeeding the date of the confirmation of the assessment roll as aforesaid, and the interest accrued up to that time on all unpaid installments shall be due and payable and be collected with the installments, and thereafter the interest on all unpaid installments then payable shall be payable annually, and be due and payable at the same time as the installments maturing in such year and be collected therewith and in all cases it shall be the duty of the treasurer of said Kaskaskia Island Sanitary and Levee District whenever payment is made of any installment to collect interest thereon up to the time of such payment, whether such payment be made at or after maturity.

§ 26. MAY DIVIDE INTO FIFTEEN INSTALLMENTS.] The commissioners may, in lieu of the method provided in the preceding section for the division of said assessment into installments, provide by the ordinance passed by them that the said assessment be divided into fifteen installments, making the first installment due the second day of the third January next after the confirmation of said assessment. And the second installment one year thereafter, and so on annually until all installments

are paid, the interest on each installment to fall due and be payable on the second day of the first January after the confirmation of said assessment, and annually thereafter, so that the interest shall be available annually for paying the interest on the bonds.

§ 27. WHEN ASSESSMENTS MAY BE PAID IN FULL.] As soon as the assessment roll is confirmed by the court the treasurer of said corporation shall give notice to all parties concerned by publishing a notice for three successive weeks in some newspaper in Randolph county, that they may pay their assessment in full or any installment thereof to him within sixty days of the first publication, and within that time any one may pay his assessment in full or any installment thereof, and all that fail to do so shall not be allowed to pay the same without paying all interest on each installment up to the time it is due. And all persons thereafter paying any single installment before it is due shall pay all interest upon the same up to the date it falls due.

§ 28. ASSESSMENT FOR MAINTENANCE.] On or before September first of each year after the confirmation of the assessment roll for any improvement that may be made by the said corporation as herein provided, the commissioners shall make an estimate of the cost of maintaining the same for the ensuing year and levy a special assessment therefor upon each lot, piece or parcel of land included in the assessment roll for said improvement, in the proportion as the same was assessed for the cost of the original improvement, which levy they shall make by ordinance. Said assessment shall become due and payable January second next after the same is levied and shall draw six per cent interest after due until paid. Such tax when collected shall be kept in a separate fund by the treasurer and designated "Maintenance Fund for Improvement," inserting in the blank the name of the improvement as designated by the ordinance creating it: *And, provided, further,* that in case any unforeseen contingency might arise so that the commissioners might need more funds for speedy and necessary repairs of any improvement, than they can raise in one year, they may issue certificates or vouchers to bear six per cent interest per annum, and divide the same into annual installments not to exceed five for the purpose of raising the necessary funds for making said repairs, by passing an ordinance therefor, and by said ordinance levy an assessment for each year sufficient to pay the certificates falling due that year. Said assessments to be levied upon each piece or parcel of land assessed for said improvement in the same proportion as the same was assessed for the cost of the said improvement, and to be co-extensive with said certificate and to bear the same rate of interest. Which said funds shall be kept by the treasurer in a separate fund, and designated "Repair Fund for Improvement," inserting in the blank the name of the improvement, and said funds shall be used for no other purpose until said repairs are fully completed, when any balance may be used to rebate assessments of cost of maintenance: *And, provided, further,* that the corporate authorities may use any surplus funds left over

from any assessment or installment thereof for the cost of said improvement for repairs and maintenance after all bonds and interest thereon, issued against it, are paid.

§ 29. COLLECTION AND LIEN OF ASSESSMENTS FOR MAINTENANCE.]

The assessments for maintenance and repairs as provided in the foregoing section shall, when the ordinance is passed therefor by the commissioners and the assessment roll made out, certified and filed with the treasurer of the corporation, shall become a lien upon all the lands and lots included in said assessment roll to the same extent and with the like effect as the assessment for the original cost of the improvement and if not paid when due shall be returned delinquent at the same time and in the same manner as the original assessment for the cost thereof.

§ 30. MAY REBATE ASSESSMENT.] Said commissioners may, if they have any funds left on hands from any source January second, for any year after paying all bonds due and the whole cost of the maintenance and repairs of said improvement, and there is enough on hands or in process of collection to maintain said levee for the ensuing year, apportion and credit the same upon the assessment for the cost of the improvement, then due crediting each parcel or piece of land in proportion to the amount it is assessed.

§ 31. BONDS TO ANTICIPATE INSTALLMENTS.] For the purpose of anticipating the collection of not to exceed ninety per cent of all the installments made for the cost of the improvement as provided for in this Act, it shall be lawful for said corporation as soon as the assessment roll is confirmed by the court to issue and sell bonds payable out of said installments, bearing interest at a rate of not to exceed six per centum per annum, payable annually and signed by the president and secretary of said commissioners, and said bonds shall be issued in sums of one hundred dollars or some multiple thereof and shall be dated and draw interest from the date of the issuing of the same. Each bond shall state on its face out of which installment it is payable and upon what improvement, and shall state by number or other designation the assessment to which such installment belongs. The principal and interest of such bonds shall not exceed in the aggregate the amount of such deferred installments and shall be divided into as many series as there shall be deferred installments, provided nothing herein contained shall be construed to prevent the payment of any bond out of an installment having a surplus to its credit other than the one against which the same is issued, the intent and meaning hereof being that in case, from any cause the installment against which such bond or voucher is drawn has not sufficient money to the credit thereof to pay the same, the entire amount of the assessment or any installment thereof may be applied toward the payment of any bonds issued against the assessment. Each

series shall become due on the first day of July after the second day of January, when such installment against which said bonds were issued will become due and such bonds shall be in the following form:

Series..... No.....

UNITED STATES OF AMERICA

STATE OF ILLINOIS

COUNTY OF RANDOLPH

KASKASKIA ISLAND SANITARY AND LEVEE DISTRICT.

IMPROVEMENT BOND.

KNOW ALL MEN BY THESE PRESENTS, That the Kaskaskia Island Sanitary and Levee District, of the county of Randolph and State of Illinois, acknowledges itself indebted and for value received, promises to pay to the bearer on the first day of July....., the principal sum of \$..... with interest thereon from date until paid at the rate of per centum (.....%) per annum payable annually on the first day of July of each year, as evidenced by and on the presentation and surrender of the interest coupons as they severally become due; both principal and interest are hereby payable in lawful money of the United States of America at the office of the treasurer of the said Kaskaskia Island Sanitary and Levee District.

This bond is one of a series of like date and tenor (except as to amount and maturity) issued in.....series, lettered consecutively, from series.....to series....., each series including.....bonds, numbered from.....to....., inclusive, aggregating the sum of \$....., and issued under and by virtue of an Act of the Legislature of the State of Illinois, entitled, "An Act to create the Kaskaskia Island Sanitary and Levee District, being a drainage district to comprise the island of Kaskaskia in Randolph county: to provide for the construction, reparation and protection of drains, ditches, levees and other work for agricultural and sanitary purposes therein and to punish any one impairing any of the work done by it.[""]

(Adopted the.....day of....., A. D. 1913; in force the.....day of....., A. D.....) and issued in anticipation of the collection of the special assessment made upon the said lands in said district on the.....day of....., A. D....., and approved and confirmed by the circuit court of the county of Randolph aforesaid by an order entered on the.....day of....., 19...., and levied according to law for the purpose of raising money for the construction of ditches, drains, levees and other work and the maintenance thereof within the said drainage district and is issued in conformity with and under the authority of the laws of the State of Illinois.

And it is hereby certified and recited that all acts, conditions and things required by the statutes and laws of the State of Illinois to be done precedent to and in the creating of the said drainage district and the levying of special assessments upon the lands of the said drainage district and in the issuance of this bond have been properly done, happened and performed and in due and proper form and time, and that this bond is within the limits prescribed by law and for the prompt payment thereof the full faith, credit and resources of the said drainage district are pledged.

IN WITNESS WHEREOF, the drainage commissioners of Kaskaskia Island Sanitary and Levee District, of the county of Randolph and State of Illinois, have executed this bond in the name of the said drainage district by themselves as drainage commissioners and have affixed thereto its corporate seal as the duly authorized act and deed of the Kaskaskia Island Sanitary and Levee District and have evidenced the several installments of interest to accrue hereon by interest coupons attached, executed by the lithographed fac-simile signatures of the said commissioners on the.....day of....., A. D. 19....

KASKASKIA ISLAND SANITARY AND LEVEE DISTRICT.

By.....

.....

Drainage Commissioners of the Kaskaskia Island Sanitary and Levee District of the County of Randolph and State of Illinois.

That the form of the coupon referred to in the said bond shall be as follows:

\$.....

KASKASKIA ISLAND SANITARY AND LEVEE DISTRICT.

On the.....day of.....will pay to the bearer hereof.....dollars at the office of the treasurer of the said Kaskaskia Island Sanitary and Levee District for annual interest then due on its agricultural and sanitary improvement bond dated....., Series..... Number.....

KASKASKIA ISLAND SANITARY AND LEVEE DISTRICT.

By.....

.....

Drainage Commissioners of the Kaskaskia Island Sanitary and Levee District of the County of Randolph and State of Illinois.

Such bonds shall not be sold by the commissioners at less than par and accrued interest, and then only at a public sale after three weeks' notice thereof has been given by said commissioners in one or more newspapers by publishing the same three successive weeks.

§ 32. RECORD OF BONDS TO BE MADE BEFORE ISSUING.] Before issuing any bonds under the provisions of this Act the commissioners shall provide a well bound book in which a record of all bonds issued, with their number, amount, rate of interest, date of issue, when due, where payable, amount received for the same, and the assessment, tax levy, installment or part thereof, on account of which the bonds are issued shall be made, and said book shall at all times be open to the inspection of all parties interested in said district, either as taxpayers or bondholders, and on the payment of any bond and [an] entry thereof shall be made in said book in proper column for that purpose.

§ 33. WHEN BONDS MAY BE REGISTERED.] On the presentation of any bond issued under the provisions of this Act at the office of the Auditor of Public Accounts for registration, the said Auditor shall cause the same to be registered in his office in a book to be kept for that purpose. Such registration shall show the date, amount, number, date of maturity, rate of interest, time when such interest is payable and place of payment of the principal and interest of such bond; under what act and by what district issued, and the name of the person or persons presenting the same for registration, and for such registration the Auditor shall be entitled to a fee of twenty-five cents. And the Auditor shall under the seal of his office, certify upon such bond the fact of such registration, for which the Auditor shall be entitled to a fee of twenty-five cents, such fees to be paid by the person or persons desiring such registration and certificate, but no bond issued under this Act shall be entitled to registration in the office of the State Auditor until a sworn statement by the corporate authorities of the district issuing the bond shall have been filed with him, showing the date of the passage of the ordinance for the improvement, the time when the assessment levy, or part thereof on account of which the bonds are issued will become due, and the date, number, amount, rate of interest and date of maturity of the bonds, together with any other information in relation thereto, which may be demanded by the Auditor of Public Accounts.

§ 34. WHEN BONDS REGISTERED—DUTY OF AUDITOR—AMOUNT WHICH MAY BE LEVIED AND PROVIDED BY LAW.] When any bonds issued under the provisions of this Act shall be so registered, the Auditor of Public Accounts shall annually ascertain the amount of interest or interest and principal due and accrued, or to accrue for the current year on all such bonds so registered in his office, together with the ordinary cost to the State of the collection and disbursement of the same, to be estimated by the Auditor and State Treasurer, and shall make out and transmit to the county clerk of Randolph County a certificate setting forth such estimated amount for such purposes, to be filed in his office and recorded in the drainage record, and the amount thereof shall thereupon be deemed added to and a part of the amount which may be levied and provided by law within the limits of said district for the purposes of State revenue, and thereupon it shall be the duty of the clerk of said district to compute and apportion the amount so certified among the several tracts and property assessed for benefits in such district, in the manner as original levies are computed under this Act, and thereupon he shall make out a tax list of the lands and property in the district, and extend opposite each

tract and property its *pro rata* share of the amount so certified by the Auditor, and deliver the same to the treasurer of the district, and the county clerk at the time of the making up the tax books and extending the State taxes, shall extend on the tax books for collection the *pro rata* share thus levied, and the same shall be collected with the State taxes and all laws of this State relating to the State revenue shall apply thereto.

§ 35. STATE SHALL BE THE CUSTODIAN OF THE TAX.] The State shall be deemed the custodian only of the tax so collected and shall not be deemed in any manner liable on account of such bonds, but the tax and funds so collected shall be deemed pledged and appropriated to the payment of the principal and interest of the registered bonds, to satisfy which the same is hereinbefore provided to be collected as aforesaid, and such bonds issued under the authority hereof shall be deemed secured and provided for in virtue thereof until fully satisfied. The State shall annually collect and apply the said fund to the satisfaction of the interest or interest and principal, as the case may be, of such registered bonds of said district, and the interest coupons or bonds so paid shall be cancelled by the State Treasurer and returned to the corporate authorities of the district.

§ 36. PAYMENTS MADE IN BONDS.] Payment for any improvement done or performed under the provisions of this Act, to be paid for out of any special assessment levied in installments as herein provided, may be made in the bonds herein provided for, in case the same can not be sold at public sale as herein provided.

§ 37. ASSESSMENTS MAY BE PAID IN BONDS.] Any property owner may pay his assessment wholly or in part with the bonds or vouchers issued under this Act, on account of an assessment, applying however, the bonds and vouchers of each series only to the payment of the installment to which they relate. In making such payments; such vouchers and bonds shall be taken at their par value and interest accrued to the date of making such payment. All vouchers and bonds received in payment of such assessments shall be cancelled by the treasurer of such corporation as of the date of their receipt and filed in his office.

§ 38.. INSPECTION OF WORK.] The said commissioners provided for by this Act shall cause any and all work done pursuant to any proceedings and contracts, and the material therefor to be carefully inspected during the progress of the work to the end that the contractor or contractors shall comply fully and adequately with all the provisions of this Act and any ordinance passed pursuant thereto and of the contract under which said work is to be done and the specifications therefor, and upon complaint of any property owners that the work or materials do not comply with such requirements, the said commissioners shall examine said work and materials themselves, or may employ a consulting engineer wholly disinterested and disconnected in said work, to do so, and have him certify in writing to them as to the result of his examination, which written certificate shall be filed with the clerk of said board and be open to public inspection at any time, and if said

work and material according to the report of said engineer do not comply in all things with the requirements of said corporation under this Act and the ordinances and contract, said commissioners may make such orders in the premises and take such steps necessary to protect the interest of said corporation as they may deem expedient.

§ 39. PUBLIC LETTING OF WORK.] All contracts for work to be done by said corporation exceeding in cost the sum of \$500.00 shall be let at a public letting, thoroughly advertised by posting at least five notices upon the island and publication in the nearest newspaper in Randolph county, Illinois, and also the nearest one in the state of Missouri, at least fifteen days prior to said letting and all contractors shall be required to give a bond for at least one-half of the contract price in some responsible surety company, conditioned for the faithful performance of the work.

§ 40. HOLDERS OF BONDS AND VOUCHERS TO HAVE NO LIEN.] Any person or persons accepting the vouchers or bonds as provided herein shall have no claim or lien upon said corporation in any event for the payment of such vouchers or bonds or the interest thereon, except from the collection of the special assessment against which said vouchers or bonds are issued, but the corporation shall not nevertheless, be in any way liable to the holders of said vouchers or bonds in case of the failure to collect the same, but shall with all reasonable diligence, so far as it can legally do so, cause a valid special assessment to be levied and collected to pay such bonds and vouchers until all bonds and vouchers shall be fully paid. Any holder of vouchers or bonds or their assigns shall be entitled to summary relief by way of mandamus or injunction to enforce the provisions hereof.

§ 41. MAY POSTPONE ASSESSMENT AND REFUND BONDS.] If on account of any unforeseen contingency when any special assessment bonds come due issued by said corporation under the provisions of this Act, it is deemed necessary by the board of commissioners to extend the time for the payment of the assessment against which said bonds are issued, said commissioners may, by resolution adopted and entered of record by them postpone the payment of such assessment until after the last installment of said special assessment becomes due, and so on, in case more than one installment is postponed: *Provided, however,* that not more than five installments of any assessment shall be postponed successively at any one time. Upon the postponement of any such installment, said corporation shall issue new bonds for said installment and sell them and refund the previous bonds issued against said installment; said installment when postponed to be given the same number and series with the word "postponed" added to them so as to indicate its change of position: *Provided,* that no assessment shall be postponed without the consent of the holders of all the bonds issued against that installment, unless they consent to accept the new bonds in lieu of the old ones or unless the money can be raised on the new bonds to pay the old.

§ 42. JUDGMENT ON INSTALLMENT ASSESSMENTS.] In case of a special assessment to be paid by installments, under the provisions of

this Act, the order of confirmation that shall be entered upon the return of the assessment roll shall apply to all of the installments thereof, and may be entered in one order.

§ 43. EFFECT OF JUDGMENT.] The judgments of the court shall be final as to all issues involved and the proceedings in said cause shall be subject to review by appeal or writ of error as hereinafter provided, and not otherwise: *Provided, however*, that by mutual consent the same may be vacated or modified at a subsequent time, except as hereinafter provided. Such judgments shall have the effect of several judgments as to each tract or parcel of land or any interest therein assessed, and no appeal from any such judgment or writ of error shall invalidate or delay the judgments except as to the property concerning which the appeal or writ of error is taken. Such judgments shall be a first and prior lien upon all property assessed from the date thereof, and upon all the interest of any person, either for life or a term of years in any lands assessed, and the lien against said lands herein provided for shall be of the same extent and of equal force and validity as the lien for the general taxes in this State for a period of five years if such assessment is payable in a single sum, if payable by installments then until five (5) years after the last installment becomes due. Nothing in this section contained shall interfere with the right of the petitioner to dismiss its proceedings and for that purpose to vacate such judgment at its election at any time before commencing the actual collection of such assessment, and no judgment entered in such proceedings so dismissed and vacated shall be a bar to another like or different improvement: *Provided*, that after the contract for the work shall have been entered into, or the bonds mentioned in this Act, issued, no judgment shall be vacated or modified or any petition dismissed at a term subsequent to that at which the judgment was rendered, nor shall the collection of the assessment be in any way stayed or delayed by the commissioners or any officer of the corporation, without the consent of the contractor and bond holder.

§ 44. VACATION OF ASSESSMENT—NEW ASSESSMENT.] If any assessment shall be annulled by the commissioners, or set aside by any court, a new assessment may be made and returned and like notice given and proceedings had as herein required in relation to the first; and all parties in interest shall have like rights, and the commissioners, and the court, shall perform like duties and have the same power in relation to any subsequent assessment as are hereby given in relation to the first assessment.

§ 45. NEW ASSESSMENT FOR COMPLETED WORK.] No special assessment shall be held void because levied in excess of the original estimate of cost or for work already done under a prior ordinance, if it shall appear that such work was done in good faith, by a contract duly let and executed, pursuant to an ordinance providing that such improvement should be paid for by special assessment. This provision shall only apply when the prior ordinance shall be held insufficient for the purpose of such assessment or otherwise defective, so that the collection of the assessment therein provided for becomes impossible. A new or special ordinance shall in such case be passed, providing for such assessment.

§ 46. SUPPLEMENTAL ASSESSMENTS—REBATES.] At any time after bills have been received pursuant to the provisions of this Act if it shall appear to the satisfaction of the commissioners that the first assessment is insufficient to pay the contract bonds issued, or to be issued in payment of such contract price, together with the amount required to pay the accruing interest thereon, said board shall make and file an estimate of the amount of such deficiency, and thereupon a second or supplemental assessment for such estimated deficiency of the cost of the work and interest may be made in the same manner as nearly as may be as the first assessment, and so on until sufficient money shall have been realized to pay for such improvement and such interest; it shall be no objection to such assessment that the prior assessment has been levied, adjudicated and collected unless it shall appear that in such prior cause upon prior issue made, it was specially found in terms that the property objected for would be benefited by said improvement no more than the amount assessed against it in such prior proceedings: *Provided, however,* the petitioner, in case it so elects, may dismiss the petition and vacate the judgment of confirmation either at or after the term at which the judgment of confirmation is rendered, and begin new proceedings for the same or a different improvement as provided in this Act: *Provided, further,* that no more than one supplemental assessment shall be levied to meet any deficiency where said deficiency is caused by the original estimate made by the engineer, being insufficient.

§ 47. NEW ASSESSMENT AGAINST DELINQUENTS.] If from any cause the commissioners shall fail to collect the whole or any portion of any special assessment which may be levied, which shall not be cancelled or set aside by order of any court, for any public improvement authorized to be made and paid for by a special assessment the commissioners may at any time within five years after the confirmation of the original assessment direct a new assessment to be made upon the delinquent property for the amount of such deficiency and interest thereon from the date of such original assessment, which assessment shall be made, as nearly as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payments shall have been made on such former assessments they shall be credited or allowed on the new assessment to the property for which they are made, so that the assessment shall be equal and impartial in its results. If such new assessment prove insufficient either in whole or in part, the commissioners may, at any time within said period of five years, order a third to be levied, and so on in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands, or been encumbered, subsequent to the date of the original assessment.

§ 48. CERTIFYING ROLL.] Within thirty days after the confirmation of the assessment roll as provided in this Act, the clerk of the court in which such judgment is rendered shall certify the assessment roll and judgment to the treasurer of said corporation, or if there has been an appeal or writ of error taken on any part of such judgment then he shall

certify such part of the judgment as is not included in such appeal or writ of error, and such certification shall be filed by the officer receiving the same in his office. With such assessment roll and judgment the clerk of such court shall also issue a warrant for the collection of such assessment. The court shall have the power to recall such warrants as to all or any of the property affected at any time before payment or sale in case the proceedings be abandoned by the petitioner or the judgment be vacated or modified in a material respect as hereinbefore provided, but not otherwise, and in case said assessment roll has been abated and the judgment reduced in accordance with the provisions of this Act, the clerk of said court shall, within thirty days thereafter, certify the said order of reduction or the said roll as so reduced or re-cast, under the directions of the court, to said officer so authorized to collect such special assessment, and shall issue a warrant for the collection of such assessment as so reduced or re-cast.

§ 49. WARRANT TO COLLECTOR.] Should an appeal or writ of error be taken on any part of such judgment, and the board elect to proceed with the improvement notwithstanding such an appeal, as provided for in this Act, the clerk shall certify such appealed portion, from time to time, in the manner above mentioned, as the judgment is rendered thereon, and the warrant accompanying such certificate in each case shall be authority for collection of so much of such assessment as shall be included in the portion of the roll thereto attached. The warrant in all cases of assessment, under this Act, shall contain a copy of such certificate of the judgment describing the lots, blocks, tracts and parcels of land assessed so far as they shall be contained in the portion of the roll so certified, and the respective amount assessed on each lot, block, tract or parcel of land, and shall be delivered to the officer authorized to collect such special assessment. The treasurer having a warrant for any assessment levied to be paid by installments may receive any or all of the installment of such assessments, but if in part only, then in their order.

§ 50. TREASURER'S NOTICE.] The treasurer receiving such warrant shall immediately give notice thereof by publishing a notice for three successive weeks in one or more newspapers published in said county of Randolph and also if he desire by mailing a copy thereof to each of the persons that may have given him notice that they claim any interest in any of said lands, such notice may be substantially in the following form:

ASSESSMENT NOTICE.

Notice is hereby given to all persons interested, that an assessment (or installment of.....per cent, of the assessment, as the case may be) is now due for drainage purposes for the year A. D. 19...., upon lands lying within the Kaskaskia Island Sanitary and Levee District, in the county of Randolph and State of Illinois, and the same must be paid to the undersigned....., treasurer of said district, at his office in, on or before the day of, 19...., and in default of such payment the several

tracts of land upon which said assessment (or installments as the case may be) remains unpaid, will be sold according to law, to pay the amount of such assessment (or installment) and costs.

Dated this.....day of....., A. D. 19....

.....
Treasurer.

When such assessment is levied to be paid in installments, such notice shall, in addition to the foregoing, contain the amount of each installment, the rate of interest deferred installments bear, and the date when payable.

§ 51. REPORT OF TREASURER OF DELINQUENT LIST TO GENERAL OFFICER.] It shall be the duty of the treasurer of the said district on or before the first day of April in each year, to make a report in writing to the general officer of the county authorized or designated by the general revenue laws of this State to apply for judgment and sell lands for taxes due the county and State, of all the lands, pieces or parcels of real property on which he shall be unable to collect the special assessments or installments thereof matured and payable, or interest thereon, or interest due the preceding January second on installments not yet matured on all warrants in his hands, with the amount of such delinquent special assessment or installment and interest together with his warrants; or, in case of an assessment levied to be paid by installments, with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof, which report shall be accompanied with the oath of the treasurer that the list is a correct return and report of the land, town lots and real property on which the special assessment levied by the authority of the Kaskaskia Sanitary and Levee District of Randolph county, State of Illinois, or installments hereof, or interest remaining due and unpaid; that he is unable to collect the same, or any part thereof, and that he has given the notice required by law that such warrants have been received by him for collection.

§ 52. REPORT TO BE EVIDENCED.] Said report when so made shall be *prima facie* evidence that all forms and requirements of the law, in relation to the making of said return, have been complied with, and that the special assessments or the matured installments thereof, and the interest thereon, and the interest accrued on installments not yet matured, mentioned in said report, are due and unpaid and upon the application for judgment of sale upon such assessment or matured installments thereof, or the interest accrued on installments not yet matured, no defense or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof, and no errors in the proceeding to confirm not affecting the power of the court to entertain and consider the petition therefor, shall be deemed a defense to the application herein provided for. When such application is made for judgment of sale on an installment only of an assessment payable by installment, all questions affecting the jurisdiction of the court to enter

the judgment of confirmation and the validity of the proceedings shall be raised and determined on the first of such applications. On application for judgment of sale on any subsequent installment, no defense, except as to the legality of the pending proceeding, the amount to be paid or actual payment, shall be made or heard. And it shall be no defense to the application for judgment on any assessment or any installment thereof that the work done under any ordinance, if it shall appear that the said work has been accepted by or under the direction of the board of commissioners. And the voluntary payment by the owner or his agent, of any installment levied on any lot, block, tract or parcel of land, shall be deemed and held in law to be an assent to the confirmation of the assessment roll and to be held to release and waive any and all right of such owner to enter objections to the application for judgment of sale and order for sale. The judgment of sale on any installment shall include all interest accrued due as returned delinquent by the treasurer on any installment or installments not matured; and all judgments of sale for a matured installment shall bear interest on the amount of the principal of said matured installment to the date of payment or sale.

§ 53. APPLICATION FOR JUDGMENT—SALE—REVENUE LAWS TO GOVERN.] When such general officer shall receive the report above provided for, he shall proceed to obtain judgment against said lots and parcels of land and property for said special assessments or installments thereof, and interest remaining due and unpaid, in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county or State; and shall in the same manner proceed to sell the same for the said special assessments, or installments thereof, and interest remaining due and unpaid. In obtaining such judgment and making such sale, the said officer shall be governed by the general revenue law of the State, except when otherwise provided herein. No application for judgment against lands for unpaid special assessments shall be made at a time different from the annual application for judgment against lands upon which general taxes remain due and unpaid. The application for judgment upon delinquent special assessments in each year shall include only such special assessments, or installments thereof, and interest as shall have been returned as delinquent to the county collector on or before the first day of April in the year in which said application is made: *Provided*, that said judgment of sale shall include interest on matured installments up to the date of such judgment as herein provided.

§ 54. GENERAL REVENUE LAWS APPLY.] The general revenue laws of this State in reference to proceedings to recover judgment for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds and all other laws in relation to the enforcement and collection of taxes and redemption from tax sales, except as herein provided, shall be applicable to proceedings to collect such special assessments.

§ 55. CORPORATION MAY BUY IN.] The commissioners may in the collection of any special assessment, in default of other bidders become

a purchaser in the name of the corporation at any sale of property to enforce the collection of the same, and may authorize and make it the duty of one or more of their members or the clerk of the board to attend such sales and bid thereat in behalf of the corporation.

§ 56. WILFUL INJURY, ETC., TO DRAIN—PENALTY.] Any person who shall wrongfully and purposely fill up, cut, injure, destroy or in manner impair the usefulness of any levee, drain, ditch, or other work constructed, established, or belonging to the Kaskaskia Sanitary and Levee District may be fined in any sum not exceeding two hundred dollars, to be recovered before any justice of the peace in the proper county. All complaints under this section shall be in the name of the People of the State of Illinois, and all fines, when collected, shall be paid over to the commissioners of said corporation to be used for the work so injured, and in addition to these penalties, the person so wrongfully or purposely filling, or in any manner impairing the usefulness of any such levee drains, or other improvements, shall be liable to the said corporation for all damages occasioned to such work and to the owners and occupants of land for all damages that may result to them by such wrongful act, which may be recovered before any justice of the peace, if within his jurisdiction or before any court of competent jurisdiction.

APPROVED June 28, 1913.

PUMPING PLANTS—CONSTRUCTION, ETC., AND VALIDATION OF PROCEEDINGS.

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| <p>§ 1. Pumping plants in districts having combined system of drains—power and authority—petition to county court.</p> <p>§ 2. Notice of hearing on petition.</p> <p>§ 3. Hearing on petition—what determined by court—acquisition of right of way—special assessment—apportionment for maintenance.</p> | <p>§ 4. Validation of former proceedings.</p> <p>§ 5. Repeals Act of 1905—rights saved.</p> <p>§ 6. Emergency.</p> |
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(HOUSE BILL NO. 382. APPROVED JUNE 27, 1913.)

AN ACT to provide for constructing pumping plants and maintaining the same in operation, in drainage and levee districts and special drainage districts heretofore or hereafter organized, and to legalize and validate former proceedings, assessments, bond issues, indebtedness, and expenditures in regard to, or on account of, the erection, maintenance and operation of pumping plants, and to repeal an Act therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all drainage and levee districts, and special drainage districts, heretofore organized, or to be hereafter organized, under any law of this State authorizing a combined system of drains, ditches, and levees, it shall be lawful to construct and maintain in operation as a part of the drains or ditches of such district one or more pumping plants, whenever the flow of the water in any of such drains or ditches is, or will be, obstructed by the erection of any

levee, or levees, now built, or to be built, as a part of the work of improvement of said district, and it is deemed necessary for the disposition of the surface water, seepage or rainfall in such district to maintain the flow of the water in such drains or ditches by elevating it over or forcing it through such obstructing levee or levees; such pumping plant or plants to be constructed and maintained in operation out of the funds raised, or to be raised, by special assessment on the lands of said district to be benefited thereby in the manner provided by law for assessing benefits, and as a part of the drainage and levee work of said district; and to be done upon the order of the county court of the county in which the district, or the major part thereof, is located; such order to be entered, if in the judgment of the court upon the hearing of any petition presented therefor, as hereinafter directed, it shall appear to the court to be for the best interest of said district and of the owners of land therein, that such pumping plant or plants be constructed and maintained in operation in said district as a part of the drainage system thereof. In districts hereafter organized it shall be sufficient to include in the petition for the organization of such district a general description of such pumping plant or plants, together with the other proposed work, as is now provided by law. In all such districts heretofore organized (or in districts hereafter organized in which the original petition for organization does not include a pumping plant as a part of the drainage system of said district) the court may order the construction of such pumping plant or plants, together with such additional work as may be needed, when petitioned therefor by a majority of the owners of land within said district who are of lawful age and represent at least one-third in area of such lands, or on the petition of one-third of such land owners who represent the major portion of the area of said lands, or on the petition of the commissioners of said district, accompanied by an itemized statement of accounts made by the commissioners, under oath, showing the moneys received by the district and the manner in which the same has been expended, together with plans, plats, profiles and specifications of such proposed pumping plant or plants (and such other additional work, if any) together with an estimate of the cost of constructing the same, and also an estimate of the amounts necessary to be annually raised to keep the other work in repair and to maintain said pumping plant or plants in operation.

§ 2. Upon said petition being filed the clerk of said court shall cause three weeks' notice of the presentation and filing thereof addressed, "To all persons interested," to be given in the same manner in all respects as provided in section 3 of an Act entitled, "An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879, as subsequently amended, except that instead of a more particular description it shall be sufficient for said notice to contain a general description of the proposed pumping plant, or plants, and other work proposed in said petition.

§ 3. Upon such hearing the petitioners and any person interested may appear and be heard in favor of, or in opposition to, said petition, and shall have the same right of appeal as in cases arising under section 16 of said Act of May 29, 1879. In case the prayer of the petition is granted the court shall find and determine from the evidence the total amount necessary to be raised annually to maintain such pumping plant or plants in operation, as a part of the drainage system of said district; and thereafter the commissioners shall acquire the land and right of way for such pumping plant, or plants, and other work, as now provided by law, and a special assessment shall be made on the lands of said district to be benefited thereby for the construction of such pumping plant, or plants, and other work, if any, in the manner provided by the Act under which such district is organized, in cases of original assessments, except that the commissioners and jury shall apportion the amount so found by the court as necessary to be raised annually to maintain such pumping plant or plants in operation among the several tracts of land of said district in proportion to the amount each will be benefited by maintaining such pumping plant or plants in operation, and such proportionate amount may be in addition to any limitations now imposed by law upon the "annual amount of benefits" to be collected from such tract for keeping the other work of said district in repair, but shall be included therewith and be collected at the same time and in the same manner.

§ 4. That all proceedings, assessments, bond issues, indebtedness, and expenditures heretofore had, made, or incurred in regard to or on account of the erection, maintenance and operation of pumping plants in any district organized under any law of this State be and the same is hereby declared to be in all respects legal and valid.

§ 5. Be it further enacted, that an Act entitled, "An Act to amend section 1 of the Act entitled, 'An Act to provide for the erection, maintenance and operation of pumping plants in certain drainage and levee districts, and to legalize and validate former proceedings, bond issues, indebtedness and expenditures in regard to, or on account of, or with a view to the erection, maintenance and operation of such pumping plants,' approved and in force May 13, 1905, as amended by an Act approved May 20, 1907, in force July 1, 1907," approved June 7, 1911, in force July 1, 1911, be and the same is hereby repealed, saving and reserving however any rights that may have heretofore accrued thereunder.

§ 6. AND WHEREAS, A number of drainage districts in this State are now without power to construct and maintain in operation pumping plants; therefore, an emergency exists, and this Act shall take effect and be in force from and after its passage.

APPROVED June 27, 1913.

SANITARY DISTRICT OF CHICAGO—CORPORATE LIMITS ENLARGED.

- § 1. Corporate limits extended—description. | § 2. Petition for referendum on adoption of Act—
submission of question.

(HOUSE BILL NO. 852. APPROVED JUNE 27, 1913.)

AN ACT to enlarge the corporate limits of the Sanitary District of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the corporate limits of the sanitary district of Chicago are hereby extended so as to embrace and include within the same, the territory and tracts of land situated in the county of Cook and State of Illinois, hereinafter described as follows:

Sections twenty-one (21), twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), thirty-five (35), and thirty-six (36) in Township Forty (40) North, Range twelve (12) East of the Third Principal Meridian; sections one (1), two (2), three (3), four (4), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), thirty-five (35) and thirty-six (36) in Township thirty-nine North, Range 12, East of the Third Principal Meridian, in the county of Cook and State of Illinois; and in addition thereto any portion or portions of the incorporated villages of Franklin Park, River Grove, Melrose Park, Maywood, River Forest, Forest Park, Riverside and Bellewood which may not be included in the above description.

§ 2. If within one hundred and twenty (120) days after the passage of this Act a petition, signed by not less than ten (10) per cent of the legal voters within the above described territory, praying that the question of the adoption of this Act shall be submitted to a vote of the electors of said territory, shall be filed with the clerk of said sanitary district, then and in such case the question of the adoption of this Act shall be submitted to a vote of the said electors, as in said petition prayed, at any general or municipal election held after the adoption of this Act, and in such case, this Act shall not be in force unless a majority of the votes cast at said election, upon the question of the adoption of this Act, shall be in favor of the adoption thereof.

It shall be the duty of the election officers having charge of the preparation of the ballots and the giving of the notices of election and of the counting and canvassing and making returns of the ballots, to take all necessary steps and do all necessary acts to cause the said question of the adoption of this Act to be submitted to a vote as hereinbefore provided, and to cause the result of such election to be canvassed and certified, as provided by law in other similar cases.

APPROVED June 27, 1913.

SANITARY DISTRICTS WITHIN ONE COUNTY—ACT OF 1911 AMENDED.

§ 1. Repeals sections 17 and 19 and amends sections 1, 2, 3, 14 and 20, Act of 1911.

§ 1. As amended, notice of election to contain description of proposed district—each legal voter entitled to vote.

§ 2. Judicial notice of existence of organized district.

§ 3. Board of trustees—corporate seal

§ 14. Contracts with U. S. War Department.

§ 20. Pollution of waters—police powers—sewage disposal.

(HOUSE BILL NO. 419. APPROVED JUNE 30, 1913.)

AN ACT to amend sections 1, 2, 3, 14 and 20 of an Act entitled, "An Act to create sanitary districts and to provide for sewage disposal," approved June 5, 1911, and in force July 1, 1911, and to further amend said Act by repealing sections 17 and 19 thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 17 and 19 of an Act entitled, "An Act to create sanitary districts, and to provide for sewage disposal," approved June 5, 1911, and in force July 1, 1911, be repealed and that sections 1, 2, 3, 14 and 20 of said Act be amended to read as follows:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any area of continuous territory within the limits of a single county shall contain two or more incorporated cities, towns or villages owning and operating, either or any of them, a system or systems of water works and procuring a supply of water from Lake Michigan, and shall be so situated that the construction and maintenance of a common plant for the purification and treatment of sewage, and the maintenance of a common outlet for the drainage thereof will conduce to the preservation of the public health, the same may be incorporated as a sanitary district under this Act, in the manner following: Any 300 legal voters resident within the limits of such proposed sanitary district may petition the county judge of the county in which they reside to cause the question to be submitted to the legal voters of such proposed district whether they will organize as a sanitary district under this Act. Such petition shall be addressed to the county judge, and shall contain a definite description of the territory intended to be embraced in such district, and the name of such proposed sanitary district: *Provided, however,* that no territory shall be included in any municipal corporation formed hereunder which is not situated within the limits of a city, incorporated town or village, or within three miles thereof, and no territory shall be included within more than one sanitary district under this Act. Upon the filing of such petition in the office of the county clerk of the county in which such territory is situated it shall be the duty of the county judge to call to his assistance two judges of the circuit court and such judges shall constitute a board of commissioners which shall have power and authority to consider the boundaries of any such proposed sanitary district, whether the same shall be described in such petition or otherwise. Notice shall be given by such county judge of the time and place where such com-

missioners will meet, by a publication inserted in one or more daily papers published in such county, at least twenty days prior to such meeting. At such meeting the county judge shall preside, and all persons in such proposed sanitary district shall have an opportunity to be heard touching the location and boundary of such proposed district and make suggestions regarding the same, and such commissioners, after hearing statements, evidence and suggestions, shall fix and determine the limits and boundaries of such proposed district, and for that purpose and to that extent may alter and amend such petition. After such determination by said commissioners, or a majority of them, the county judge shall submit to the legal voters of the proposed sanitary district the question of the organization and establishment of the proposed sanitary district, as determined by said commissioners, at an election to be held on the first Tuesday after the first Monday in November or the first Tuesday in April thence next ensuing, notice whereof shall be given by said commissioners, at least twenty days prior thereto by publication in one or more daily papers published within such proposed sanitary district, such notice to specify briefly the purpose of such election, with a description of such proposed district. Each legal voter resident within such proposed sanitary district shall have the right to cast a ballot at such election, with the words thereon, "For sanitary district," or "Against sanitary district." The ballots so cast shall be received, returned and canvassed in the same manner and by the same officers as is provided by law in the case of ballots cast for county officers. The county judge shall cause a statement of the result of such election to be spread upon the records of the county court. If a majority of the votes cast upon the question of the incorporation of the proposed sanitary district, shall be in favor of the proposed sanitary district, such proposed district shall thenceforth be deemed an organized sanitary district under this Act.

§ 2. All courts in this State shall take judicial notice of the existence of all sanitary districts organized under this Act.

§ 3. A board of trustees, consisting of five members, for the government, control and management of the affairs and business of each sanitary district organized under this Act shall be created in the following manner, to-wit:

Within twenty (20) days after the adoption of said Act, as provided in section one (1) hereof, the said county judge shall call a meeting of the said board of commissioners, consisting of himself and two circuit judges, and thereupon said board shall proceed to divide said sanitary district into five wards for the purpose of selecting trustees therefrom, and shall appoint one trustee for each of such wards: *Provided*, the population in no one of such wards shall exceed one-fourth of the population of the whole district: *And, provided, further*, that the territory in each of said wards shall be composed of contiguous territory in as compact form as practicable. It shall be the duty of said board of commissioners at least every ten years to re-apportion said district, so that the respective wards shall conform as nearly as practicable with the above requirements as to population, shape and territory.

Said trustees shall hold office respectively for one, two, three, four and five years from the first Monday of May after their appointment and until their successors are appointed and qualified and thereafter the term for which said trustees shall be appointed shall be for five years next after the first Monday in May of the year in which they are respectively appointed. The length of the term of the first trustees shall be determined by lot at their first meeting. The said board of commissioners, after the first appointment, shall be made up of the county judge of the county in which said district is located, and the two judges of the circuit court of the judicial district in which said sanitary district is located, residing in or closest to said district. The county judge shall call and preside at all meetings of such commissioners and shall call and preside at the first meeting of said board of trustees.

Said commissioners shall, during the month of April of each year or as soon thereafter as may be, re-appoint the member of said board whose term expires that year or appoint his successor. The order of appointment shall be signed by not less than two of said commissioners and shall be spread of record on the records of the county court of the county in which said district is located.

Said board of commissioners shall also require each of said trustees to enter into bond, with security to be approved by such county judge, in such sum as said board may determine.

A majority of the board of trustees shall constitute a quorum but a smaller number may adjourn from day to day. No trustee or employee of such district shall be directly or indirectly interested in any contract, work or business of the district, or the sale of any article, the expense, price or consideration of which is paid by such district; nor in the purchase of any real estate or other property belonging to the district, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said district. The trustees shall have the power to provide and adopt a corporate seal for the district.

§ 14. Whenever there shall be located within the bounds of any such sanitary district organized under the provisions of this Act, any United States military post, reservation or station, or any naval station, the said board of trustees of such district are hereby authorized to enter into contracts or agreements with the War Department, or other proper authorities of the United States, permitting them to connect with any such conduit or conduits, main pipe or pipes, and discharge the drainage, sewage or other impure or contaminated liquids therein.

§ 20. The board of trustees of any such sanitary district shall have power and authority to prevent the pollution of any waters from which a water supply may be obtained by any city, town or village within said district, and shall have the right and power to appoint and support a sufficient police force, the members of which may have and exercise police powers over the territory within such drainage district, and over the waters from which said water supply may be obtained, for a distance of three miles from the shore thereof, for the purpose of preventing the

pollution of said waters, and any interference with any of the property of such drainage district; but such police officers when acting within the limits of any such city, town or village, shall act in aid of the regular police force thereof, and shall then be subject to the direction of its chief of police, city or village marshals or other head thereof: *Provided*, that in so doing they shall not be prevented or hindered from executing the orders and authority of said board of trustees of such drainage district: *Provided, further*, that before compelling a change in any method of disposal of sewage so as to prevent the said pollution of any water, the board of trustees of such district shall first provide some other method of sewage disposal.

APPROVED June 30, 1913.

DRAM SHOPS.

LOCATION NEAR STATE UNIVERSITY.

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| <p>§ 1. Prohibits sale, gift or taking order, etc., for intoxicating liquor within four miles of any State university—shift or device—definition.</p> | <p>§ 2. Places declared common nuisances—abatement—proviso.</p> |
| | <p>§ 3. Penalty for violations.</p> |

(HOUSE BILL NO. 215. APPROVED JUNE 27, 1913.)

AN ACT to prohibit the sale of intoxicating liquor within four miles of the boundary line or lines of the main campus of any State university owned or maintained, in whole or in part, by the State of Illinois, and which is endowed by the proceeds of the sale of public lands set apart for that purpose by the Act of the Congress of the United States of July 2, 1862, entitled, "An Act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That on and after the first day of July, A. D. 1913, it shall be unlawful to keep for sale, sell, distribute, give away, or take an order or make an agreement for the sale or delivery of any intoxicating liquor within four miles of the boundary line or lines of the main campus of any State university owned or maintained, in whole or in part, by the State of Illinois, and which is endowed by the proceeds of the sale of public lands set apart for that purpose by the Act of the Congress of the United States of July 2, 1862, entitled, "An Act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts." Any shift or device to evade any of the provisions of this Act shall be held to be an unlawful selling. The phrase "intoxicating liquor" shall include all distilled, spirituous, vinous, fermented and malt liquors.

§ 2. All places within four miles of said boundary line or lines where any intoxicating liquor is dealt in in violation of this Act are hereby declared to be common nuisances and may be abated as such: *Provided*, nothing in this Act shall be construed to prohibit the sale within four miles of said boundary line or lines by druggists to whom permits therefor have been duly granted in the manner provided by law of liquor for medicinal, mechanical, sacramental or chemical purposes only, under such restrictions and regulations as may be provided by ordinance.

§ 3. Whoever shall, by himself or another, either as principal, clerk or servant, directly or indirectly, violate any provision of this Act shall for each offense be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) and be imprisoned in the county jail for not less than ten (10) days nor more than thirty (30) days. If any person shall be convicted of violating any provision of this Act and shall subsequently violate any provision of this Act, for such second and each subsequent violation he shall, for each offense, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) and be imprisoned in the county jail for not less than thirty (30) days nor more than ninety (90) days.

APPROVED June 27, 1913.

ELECTIONS.

ACT OF 1872—ELECTION OF UNITED STATES SENATOR.

§ 1. Amends sections 71 and 78 and adds sections 6a and 130a, Act of 1872.

§ 6a. Election of United States Senator.

§ 130a. Temporary appointment to fill vacancy—election.

§ 71. Canvass of votes by county canvassing board.

§ 78. Canvass of votes by State canvassing board.

(SENATE BILL NO. 372. APPROVED JUNE 25, 1913.)

AN ACT to amend sections 71 and 78 of an Act entitled, "An Act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872, and as subsequently amended, and to further amend said Act by adding thereto two additional sections to be designated as sections 6a and 130a.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 71 and 78 of an Act entitled, "An Act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872, and as subsequently amended, be amended to read as hereinafter set forth, and that two additional sections to be designated as sections 6a and 130a be added to said Act, which added sections and amended sections shall read as follows:.

§ 6a. A United States Senator shall be elected on the Tuesday next after the first Monday in November preceding the expiration of the

term of office of each Senator in Congress from this State: *Provided*, that if Congress shall fix a different day for such election, then the election shall be held on the day so fixed by Congress.

§ 130a. When a vacancy shall occur in the office of United States Senator from this State, the Governor shall make temporary appointment to fill such vacancy until the next election of representatives in Congress, at which time such vacancy shall be filled by election, and the senator so elected shall take office as soon thereafter as he shall receive his certificate of election.

§ 71. Within seven days after the close of the election, the county clerks of the respective counties, with the assistance of two justices of the peace of the county, shall open the returns and make abstracts of the votes in the following manner, as the case may require:

Of votes for Governor and Lieutenant Governor, on one sheet; of votes for State officers, on another sheet; of votes for presidential electors, on another sheet; of votes for United States Senators and Representatives to Congress, on another sheet; of votes for judges of the Supreme Court, on another sheet; of votes for Clerk of the Supreme Court, on another sheet; of votes for judges of the circuit court, on another sheet; of votes for Senators and Representatives to the General Assembly, on another sheet; of votes for members of the State Board of Equalization, on another sheet; of votes for trustees of the University of Illinois, on another sheet; of votes for amendments to the Constitution, and for other propositions submitted to the electors of the entire State, on another sheet; of votes for county officers and for propositions submitted to the electors of the county only, on another sheet. The foregoing abstracts shall be preserved by the county clerk in his office.

§ 78. The Secretary of State, Auditor, Treasurer, and Attorney General, or any two of them in the presence of the Governor shall proceed within twenty days after the election, and sooner if all the returns are received, to canvass the votes given for United States Senators and Representatives to Congress, judges of the Supreme Court, clerk of the Supreme Court, judges of the circuit court, Senators, Representatives to the General Assembly, members of the State Board of Equalization and trustees of the University of Illinois, respectively, and the persons having the highest number of votes for the respective offices, shall be declared duly elected; but if it appears that more than the number of persons to be elected have the highest and an equal number of votes for the same office, the Secretary of State, in the presence of the other officers and the Governor, shall decide by lot which of such persons shall be elected; and to each person duly elected, the Governor shall give a certificate of election or commission, as the case may require, and shall cause proclamation to be made of the result of the canvass, and they shall at the same time and in the same manner, canvass the vote cast upon amendments to the Constitution, and upon other propositions submitted to the electors of the entire State; and the Governor shall cause to be made such proclamation of the result of the canvass as the statutes elsewhere provide.

APPROVED June 25, 1913.

CITY ACT OF 1885—CANVASS OF VOTES, ETC.

§ 1. Amends section 1, article 5, Act of 1885.

§ 1. As amended, includes votes for United States senators.

(SENATE BILL NO. 419. APPROVED JUNE 25, 1913.)

AN ACT to amend section 1 of article V of "An Act to amend an Act entitled 'An Act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State,' approved June 19, 1885, in force July 1, 1885, as amended by an Act approved June 18, 1891, in force July 1, 1891," approved April 24, 1899, in force July 1, 1899, and as subsequently amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of article V of "An Act to amend an Act entitled 'An Act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State,' approved June 19, 1885, in force July 1, 1885, as amended by an Act approved June 18, 1891, in force July 1, 1891," approved April 24, 1899, in force July 1, 1899, and as subsequently amended, be and the same is hereby amended so as to read as follows, to wit:

ARTICLE V.

§ 1. Within seven days after the close of such election, the county judge, with the assistance of the city attorney and the board of election commissioners, who are hereby declared a canvassing board for such city, shall open all returns left, respectively, with the election commissioners, the county clerk, and city comptroller, and shall make abstracts or statements of the votes in the following manner, as the case may require, viz: All votes for Governor and Lieutenant Governor on one sheet; all votes for other State officers on another sheet; all votes for presidential electors on another sheet; all votes for United States Senators and Representatives to Congress on another sheet; all votes for judges of the Supreme Court on another sheet; all votes for clerks [Clerk] of the Supreme Court on another sheet; all votes for clerk of the Appellate court on another sheet; all votes for judges of the circuit court on another sheet; all votes for Senators and Representatives to the General Assembly on another sheet; all votes for members of the State Board of Equalization on another sheet; all votes for county officers on another sheet; all votes for city officers on another sheet; all votes for town officers on another sheet; and all votes for any other office on a separate and appropriate sheet; all votes for any proposition, which may be submitted to a vote of the people, on another sheet, and all votes against any proposition, submitted to a vote of the people, on another sheet.

APPROVED June 25, 1913.

PRIMARY ELECTIONS—GENERAL ACT OF 1910 AMENDED.

§ 1. Amends sections 1, 4, 6, 8, 9, 10, 27, 28, 29, 30, 31, 35, 43, 51, 53, 56, 57, 58 and 62, Act of 1910.

§ 1. What candidates nominated—exceptions—proviso.

§ 4. Words and phrases—how construed.

§ 6. Dates of primaries—hours.

§ 8. Committees—central or managing—exceptions.

§ 9. Committees—composition—organization—powers, etc.

- (1) State central committee.
- (2) Precinct committeeman.
- (3) County central committee—vote.
- (4) Congressional committee—exceptions.
- (5) City central committee—exceptions.
- (6) Powers and duties.
- (7) Existing party committees recognized.

§ 10. Convention dates—organization—delegates—call, etc.

- (a) County conventions—vote.
- (b) Congressional conventions.
- (c) State conventions.
- (d) Functions of conventions.
- (e) Calls for conventions—filing—form.

§ 27. Tally sheets—form.

§ 28. Petition—form—number of signers.

- (a) State office.
- (b) Congressional office.
- (c) Judicial office.
- (d) County office.
- (e) City or village office.
- (f) State central committeeman.
- (g) Trustee of sanitary district.
- (h) Clerk of appellate court.
- (i) Ward committeeman.
- (j) Other offices.

§ 29. President—U. S. Senator—petition—advisory vote.

§ 30. Petition—filing—withdrawal.

- (1) State, congressional, judicial, appellate court, etc.
- (2) County officers—trustees of sanitary districts—exceptions.
- (3) City and village officers.
- (4) Town offices.
- (5) State central committeeman.
- (6) Filing and endorsing of petitions.
- (7) Withdrawal of petitions.
- (8) Delegates or alternates to national conventions—statement filed—disavowal.

§ 31. Certification to county clerk—rotation of names for State offices—preference for President—certification to boards of election commissioners.

§ 35. Ballots—forms.

- (1) Designating words.
- (2) Order of names—directions, etc.
- (3) Precinct committeeman—exception.

§ 43. Qualifications of voters—women.

- (a) Declaration of party affiliation.
- (b) Qualifications of petitioners.
- (c) Independent petitioners.
- (d) Vote at primary of another party—proviso—registration—erasure of names—hearing on appeal.

§ 51. Ballots—"defective," etc.

§ 53. Canvass of ballots—certificates.

§ 56. Canvass of returns.

- (1) City officers.
- (2) Village officers.
- (3) County canvassing board.
- (4) State canvassing board.
- (5) Election commissioners.

§ 57. Certificates of nomination and election.

§ 58. Plurality nominations—tie vote.

§ 62. Contest—jurisdiction—proceedings.

(HOUSE BILL NO. 834. APPROVED JUNE 30, 1913.)

AN ACT to amend sections one (1), four (4), six (6), eight (8), nine (9), ten (10), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-five (35), forty-three (43), fifty-one (51), fifty-three (53), fifty-six (56), fifty-seven (57), fifty-eight (58), and sixty-two (62) of an Act entitled, "An Act to provide for the holding of primary elections by political parties," approved March 9, 1910, in force July 1, 1910; as amended by an Act approved May 27, 1912, in force July 1, 1912; and as amended by an Act approved and in force March 30, 1912.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections one (1), four (4), six (6), eight (8), nine (9), ten (10), twenty-seven (27), twenty-eight

(28), twenty-nine (29), thirty (30), thirty-one (31), thirty-five (35), forty-three (43), fifty-one (51), fifty-three (53), fifty-six (56), fifty-seven (57), fifty-eight (58), and sixty-two (62), of an Act entitled, "An Act to provide for the holding of primary elections by political parties," approved March 9, 1910, in force July 1, 1910, as amended by an Act approved May 27, 1912, in force July 1, 1912, and as amended by an Act approved and in force March 30, 1912, be and the same are hereby amended to read as follows:

§ 1. The nomination of all candidates for all elective State, congressional, county, city and village (including officers of the municipal court of Chicago), town and judicial officers, members of the State Board of Equalization, clerks of the appellate courts, trustees of sanitary districts, township officers in townships co-extensive with cities, incorporated towns or villages, and for the election of precinct, ward and State central committeemen, and delegates and alternate delegates to National nominating conventions, by all political parties, as defined by section 2 of this Act, shall be made in the manner provided in this Act, and not otherwise: *Provided*, this Act shall not apply to the nomination of candidates for electors of President and Vice President of the United States, and trustees of the University of Illinois: *And, provided, further*, that this Act shall not apply to school elections and township elections other than in townships co-extensive with cities, incorporated towns or villages. The words "township officers" or "township offices" shall be construed when used in this Act to include supervisors, and assistant supervisors.

§ 4. The following words and phrases in this Act shall, unless the same be inconsistent with the context, be construed as follows:

1. The word "primary," the primary election provided for in this Act.

2. The word "election," a general election, as distinguished from a special election or a primary election.

3. The word "precinct," a voting district heretofore or hereafter established by law within which all qualified electors vote at one polling place.

4. The words "State office," or "State officer," an office to be filled, or an officer to be voted for, by qualified electors of the entire State, including United States Senator and Congressman at large, and delegates and alternate delegates at large to national nominating conventions.

5. The words "congressional office" or "congressional officer," Representatives in Congress and members of the State Board of Equalization, delegates or alternate delegates to National nominating conventions, when such delegates or alternate delegates are chosen by congressional districts.

6. The words "judicial office" or "judicial officer," judges of the Supreme and circuit courts and judges of the superior court of Cook county.

7. The words "county office" or "county officer," an office to be filled or an officer to be voted for, by the qualified electors of the entire county; members of the board of assessors and county commissioners of Cook county.

8. The words "city office" and "village office," or "city officer" and "village officer," an office to be filled or an officer to be voted for by the qualified electors of the entire city or village, as the case may be, including aldermen.

9. The words "town office" or "town officer," an office to be filled or an officer to be voted for by the qualified electors of an entire town.

10. The word "town," as used in this Act, shall be construed to mean an incorporated town.

§ 6. A primary shall be held on the second Tuesday in April in every year in which a President of the United States is to be elected, for the purpose of electing delegates and alternate delegates to National nominating conventions and for the purpose of securing an expression of the sentiment and will of the party voters with respect to candidates for nomination for the office of President of the United States. A primary shall be held on the first Wednesday after the second Tuesday in September in every year in which officers are to be voted for on the first Tuesday after the first Monday in November of such year for the nomination of candidates for such offices as are to be voted for at such November election. Whenever in this Act the term "April primary" or equivalent words shall appear, such term or such words shall be construed to refer to and include the primary to be held on the first Wednesday after the second Tuesday in September as well as to the primary to be held on the second Tuesday in April.

A primary shall be held on the last Tuesday in February in each year for the nomination of such officers as are to be voted for on the first Tuesday in April of such year.

A primary shall be held on the second Tuesday in March in each year for the nomination of such officers as are to be voted for on the third Tuesday in April of such year.

A primary for the nomination for all other officers, nominations for which are required to be made under the provisions of this Act, shall be held three weeks preceding the date of the general election for such offices respectively.

The polls shall be open from 6:00 o'clock a. m. to 5:00 o'clock p. m.

§ 8. The following committees shall constitute the central or managing committees of each political party, viz: A State central committee, a congressional committee for each congressional district, a county central committee for each county, a city central committee for each city or village, a precinct committee for each precinct, except precincts within the limits of incorporated cities or villages having a population of two hundred thousand (200,000) or over; and a ward committee for each ward in such cities or villages having a population of two hundred thousand or over: *Provided, however,* that nothing contained herein shall prevent a political party from electing or appointing in accordance with its practice other committees.

§ 9. (1) The State central committee shall be composed of one member from each congressional district in the State and shall be elected as follows:

At the September primary held in the year A. D. 1910, and at the April primary held every two years thereafter, each primary elector

may vote for one candidate of his party for member of the State central committee for the congressional district in which he resides. The State central committee of each political party shall be composed of members elected from the several congressional districts of the State, as herein provided, and of no other person or persons whomsoever. The members of the State central committee shall, within thirty days after their election, meet in the city of Springfield and organize by electing from among their own number a chairman, and may at such time elect such officers from among their own number or otherwise, as they may deem necessary or expedient. The outgoing chairman of the State central committee of the party shall, ten days before the meeting, notify each member of the State central committee elected at the primary of the time and place of such meeting.

(2) At the September primary held in September, A. D. 1910, and at the April primary held every two years thereafter, each primary elector may write or attach in the space left on the primary ballot for that purpose the name of one qualified elector of his party in the precinct for member of his political party precinct committee. The one having the highest number of votes shall be such committeeman of such party for such precinct. In case of a tie the primary judges shall cast lots. The official returns of the primary judges shall show the name and address of the committeemen of each political party in the county: *Provided, however,* the provisions of this sub-section two (2) of section nine (9) shall not apply to precincts within the territorial limits of an incorporated city or village having a population of two hundred thousand or over.

(3) The county central committee of each political party shall consist of the members of various precinct committees and ward committees, if any, of such party in the county. In the organization and proceedings of the county central committee each precinct committeeman shall have one vote and one additional vote for each fifty votes or major fraction thereof of his party cast in his precinct for Governor at the last general election; and each ward committeeman shall have one vote for each precinct in his ward and one additional vote for each fifty votes or major fraction thereof of his party cast in each precinct of his ward for Governor at the last general election.

(4) The congressional committee of each political party shall be composed of the chairman of the county central committees of the counties composing the congressional district, excepting that in congressional districts wholly within the territorial limits of one county, or wholly within the territorial limits of one county and partly within the territorial limits of another county, then the members of the precinct committees of the party residing within the limits of the congressional district shall compose the congressional committee:

Provided, however, that in congressional districts wholly within the territorial limits of an incorporated city or village having a population of two hundred thousand or over, or partly within the limits of such city or village and partly without the limits of such city or village, then the

members of the precinct and ward committees of the party of the precincts and wards within the limits of the congressional district shall compose the congressional committee.

In the organization and proceedings of congressional committees, composed in whole or in part of precinct committeemen, each precinct committeeman shall have one vote and one additional vote for each fifty votes or major fraction thereof of his party cast in his precinct for Governor at the last general election, and in the organization and proceedings of congressional committees, composed in whole or in part of ward committeemen, each ward committeeman shall have one vote for each precinct in his ward, and one additional vote for each fifty votes or major fraction thereof of his party as cast in each precinct of his ward located in such congressional district for Governor at the last general election.

(5) The city central committee of each political party shall be composed of the precinct committeemen of such party residing in such city, excepting that in incorporated cities or villages having a population of two hundred thousand or over, then the city central committee shall be composed of the ward committeemen residing within the territorial limits of such city or village, which said ward committeemen shall be elected at large in their respective wards.

The word "ward" in this section shall be construed to mean a division for which aldermen are elected in such last mentioned cities or villages.

(6) Each committee and its officers shall have the powers usually exercised by such committees and by the officers thereof, not inconsistent with the provisions of this Act. The several committees herein provided for shall not have power to delegate any of their powers or functions to any other person, officer or committee, but this shall not be construed to prevent a committee from appointing from its own membership proper and necessary sub-committees, and particularly defining, by resolution, the duties of such sub-committees.

(7) The various political party committees now in existence are hereby recognized and shall exercise the powers and perform the duties herein prescribed until committeemen are chosen, in accordance with the provisions of this Act.

§ 10. (a) On the first Monday next succeeding the April primary, the county central committee of each political party shall meet at the county seat of the proper county and proceed to organize by electing from its own number a chairman, and either from its own number, or otherwise, such other officers as said committee may deem necessary or expedient. Such meeting of the county central committee shall be known as the county convention. The county convention of each political party shall choose delegates to the congressional and State conventions of its party: *Provided*, only precinct and ward committeemen of the respective precincts and wards within the limits of a congressional district shall participate in the selection of delegates to a congressional convention: *And, provided, further*, that in the county convention that each of such precinct committeemen in the county convention shall have one vote

and one additional vote for each fifty votes or major fraction thereof of his party cast in his precinct for Governor at the last general election, and that each of such ward committeemen shall have one vote for each precinct in his ward and one additional vote for each fifty votes or major fraction thereof of his party cast in each precinct of his ward for Governor at the last general election.

(b) All congressional conventions shall be held on the first Wednesday after the first Monday next succeeding the April primary. The congressional convention of each political party shall have power to choose and select delegates and alternate delegates to National nominating conventions, and to recommend to the State convention of its party the nomination of candidate or candidates from such congressional district for elector or electors of President and Vice President of the United States.

(c) All State conventions shall be held on the first Friday after the first Monday next succeeding the April primary. The State convention of each political party shall have power to make nominations of candidates for the electors of President and Vice President of the United States and for trustees of the University of Illinois, and to adopt any party platform.

(d) Each convention may perform all other functions inherent to such political organization and not inconsistent with this Act.

(e) At least thirty-three (33) days before the April primary the State and congressional committee, respectively of each political party shall file in the office of the county clerk in each county of the State, or in each county of the congressional district, a call for the State and congressional conventions. Said call shall state, among other things, the time and place (designating the building or hall) for holding the State and congressional conventions, respectively, the total number of delegates which shall compose each of said conventions, and the call for State conventions shall state, among other things, the number of delegates to which each county is entitled in the State convention; and the call for the congressional convention shall state, among other things, the number of delegates to which each county or political subdivision of any county, as the case may be, is entitled to in the congressional convention. Such call shall be signed by the chairman and attested by the secretary of the respective committees.

§ 27. The tally sheets for each political party participating in the primary election shall be substantially in the following form:

"Tally sheets for.....(name of political party) for the.....precinct, in the county of....., for a primary held on the.....day of....., A. D....."

The names of candidates for nomination and for State central committeemen, and precinct or ward committeemen, and delegate and alternate delegate to National nominating conventions, shall be placed on the tally sheets of each political party by the primary clerks in the order in which they appear on the ballot.

§ 28. The name of no candidate for nomination, or State central committeeman, or ward committeeman, or candidate for delegate or alternate delegate to National nominating conventions, shall be printed upon the primary ballot unless a petition for nomination shall have been filed in his behalf as provided in this Act in substantially the following form:

"We, the undersigned, members of and affiliated with the..... party and qualified primary electors of said..... party, in the..... of....., in the county of..... and State of Illinois, do hereby petition that the following named person or persons shall be a candidate or candidates of the..... party for the nomination for the office or offices hereinafter specified, to be voted for at the primary election held on the..... day of....., A. D.....

NAME.	OFFICE.	ADDRESS.
John Jones.....	Governor	Belvidere, Illinois.
Thomas Smith.....	Attorney General.....	Oakland, Illinois.

Name..... Address.....

STATE OF ILLINOIS, } ss.
.....COUNTY. }

I,, do hereby certify that I am upwards of the age of twenty-one years, that I reside at No..... street, in the..... of..... county of..... and State of Illinois, and that the signatures on this sheet were signed in my presence, and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing said petitions qualified voters of the..... party, and that their respective residences are correctly stated, as above set forth.

Subscribed and sworn to before me this..... day of....., A. D.....

Such petitions shall consist of sheets of uniform size, and each sheet shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented, place of residence, and such other information or wording as required to make the same valid; and the heading of each sheet shall be the same. Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only, and opposite the signature of each signer, his residence address shall be written (and if a resident of a city having a population

of over 10,000 by the then last preceding federal census, the street number of such residence shall be given). At the bottom of each sheet of such petition shall be added a statement, signed by an adult resident of the political division for which the candidate is seeking a nomination, stating his residence address (and if a resident of a city having a population of over 10,000 by the then last preceding federal census, also stating the street and number of such residence) certifying that the signatures on that sheet of said petition were signed in his presence, and are genuine; and that to the best of his knowledge and belief the persons so signing were at the time of signing said petitions qualified voters of the political party for which a nomination is sought. Such statement shall be sworn to before some officer of the county in which the person making such statement resides, authorized to administer the oaths therein. Such sheets before being filed, shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. Said petition, when filed, shall not be withdrawn or added to, and no signatures shall be revoked except by revocation filed in writing with the clerk or other proper officer with whom the petition is required to be filed, and before the filing of such petition. Whoever, in making the sworn statement above prescribed, shall knowingly, wilfully, and corruptly swear falsely, shall be deemed guilty of perjury, and on conviction thereof, shall be punished accordingly. Whoever forges the name of a signer upon any petition required by this Act, shall be deemed guilty of a forgery, and on conviction thereof shall be punished accordingly.

Petitions of candidates for nominations for offices herein specified, to be filed with the same officer, may contain the names of two or more candidates of the same political party for the same or different offices.

Such petitions for nominations shall be signed:

(a) If for a State office, by not less than one thousand (1,000) nor more than two thousand (2,000) primary electors of his party;

(b) If for a congressional office, by at least one-half of one per cent of the qualified primary electors of his party in his congressional district, as the case may be;

(c) If for a judicial office, by at least one-half of one per cent of the qualified primary electors of his party in the district or division for which the nomination is made.

(d) If for a county office, by at least one-half of one per cent of the qualified electors of his party cast at the last preceding general election in his county: *Provided*, that if for the nomination for county commissioner of Cook county, then by at least one-half of one per cent of the qualified primary electors of his party in his county in the district or division in which such person is a candidate for nomination.

(e) If for a city or village office to be filled by the electors of the entire city or village, by at least one-half of one per cent of the qualified primary electors of his party in his city or village; if for alderman, by at least one-half of one per cent of the voters of his party of his ward.

(f) If for State central committeeman, by at least one hundred (100) of the primary electors of his party of his congressional district.

(g) If for a candidate for trustee of a sanitary district, by at least one-half of one per cent of the primary electors of his party, from such sanitary district.

(h) If for a candidate for clerk of the Appellate Court, by at least one-half of one per cent of the primary electors of his party of the district.

(i) If for a candidate for ward committeeman, by at least one-half of one per cent of the primary electors of his party of his ward.

(j) If for any other office, by at least ten (10) primary electors of his party of the district or division for which nomination is made.

§ 29. Any candidate for President of the United States may have his name printed upon the primary ballot of his political party by filing in the office of the Secretary of State not less than forty (40) days prior to the date of the April primary, in any year, a petition signed by not less than three thousand (3,000) nor more than five thousand (5,000) primary electors, members of and affiliated with the party of which he is a candidate, and no candidate for President of the United States, who fails to comply with the provisions of this Act shall have his name printed upon any primary ballot: *Provided*, that the vote for President of the United States, as herein provided for, shall be for the sole purpose of securing an expression of the sentiment and will of the party voters with respect to candidates for nomination for said office, and the vote of the State at large shall be taken and considered as advisory to the delegates and alternates at large to the National conventions of respective political parties; and the vote of the respective congressional districts shall be taken and considered as advisory to the delegates and alternates of said congressional districts to the National conventions of the respective political parties.

§ 30. All petitions for nominations shall be filed as follows:

1. Where the nomination is to be made for a State, congressional, judicial or appellate court office, or for any office a nomination for which is made for a territorial division or district which comprises more than one county or is partly in one county and partly in another county or counties, then such petition for nomination shall be filed in the office of the Secretary of State not more than sixty (60) and not less than forty (40) days prior to the date of the primary.

2. Where the nomination is to be made for a county office, trustee of a sanitary district (except clerk of the appellate court of the first district) or ward committeeman, then such petition shall be filed in the office of the county clerk not more than sixty (60) nor less than forty (40) days prior to the date of the primary.

3. Where the nomination is to be made for an office to be filled by the electors of an entire city or village, including aldermen, such

petitions for nomination shall be filed in the office of the city or village clerk not for more than thirty (30) nor less than twenty (20) days prior to the date of the primary.

4. Where the nomination is to be made for an office to be filled by the electors of a town, then such petition for nomination shall be filed in the office of the town clerk not more than thirty (30) and not less than twenty (20) days prior to the date of the primary.

5. The petitions of candidates for State central committeeman shall be filed in the office of the Secretary of State not more than sixty (60) and not less than forty (40) days prior to the date of the primary.

6. The Secretary of State and the various clerks with whom such petitions for nominations are filed shall endorse thereon the day and hour on which each petition was filed.

7. Any person for whom a petition for nomination for committeeman has been filed may cause his name to be withdrawn by request in writing, signed by him and duly acknowledged before an officer qualified to take acknowledgements of deeds, and filed in the office of the Secretary of State not less than thirty-five (35) days, or with the proper clerk not less than twenty (20) days prior to the date of the primary, and no names so withdrawn shall be certified by the Secretary of State to the county clerk, or printed on the primary ballot.

8. Each person seeking to be elected as delegate or alternate delegate to the National nominating convention of his party shall file, along with his nominating petition, a statement in writing signed by him in which he shall state the name of the candidate of his choice for nomination for President of the United States, or, in lieu thereof, may file a statement to the effect that he has no preference for candidates for President of the United States. The Secretary of State shall not permit a petition of a candidate for delegate or alternate delegate to the National nominating convention to be filed unless accompanied by the statement required in paragraph 8 of this section. Any candidate for President of the United States for whom a preference is stated by any candidate for delegate or alternate delegate to a nominating convention, may, at any time after the filing of such petition and before the name of such candidate for delegate or alternate delegate to a National nominating convention is certified to the various county clerks for printing, file in the office of the Secretary of State an instrument in writing disavowing the candidacy of the person who has so filed a nominating petition for delegate or alternate delegate to a National nominating convention and in case such candidate for President of the United States shall disavow the candidacy of the candidate for delegate or alternate delegate, as aforesaid, the name of such candidate for delegate or alternate delegate so disavowed shall not be certified to the various county clerks for printing upon the official primary ballot.

§ 31. Not less than thirty (30) days prior to the date of the primary the Secretary of State shall certify to the county clerk of each county the names of all candidates for President of the United States, and of all candidates for members of the State central committee, and of all candidates for delegates and alternate delegates to National nomin-

ating conventions, and of all candidates for nomination for all offices, as specified in the petition for nomination on file in his office, which are to be voted for in such county, stating in such certificates the political affiliation of each candidate for nomination or for committeemen, as specified in said petition.

The Secretary of State shall, in his certificate to the county clerk, certify to said county clerk the names of the offices and the names of the candidates in the order in which said offices and said names (except the names of candidates for State officers) shall appear upon the primary ballot, said names (except the names of candidates for State offices) to appear in the order in which petitions shall have been filed in his office, except as otherwise provided in this Act.

The names of candidates for State offices shall be certified in the manner following:

The Secretary of State shall certify to the county clerk of each county of each and every senatorial district, beginning with the first senatorial district, the names of candidates for State offices in the order in which such names shall appear upon the official primary ballot, in each and every precinct of such senatorial district. In making his certificate to the county clerk of the county or counties in which the first senatorial district is located, the Secretary of State shall certify to such county clerk or county clerks the names of the offices, and the names of the candidates for said offices in alphabetical order of the first letters of the surname of such candidate. In certifying the names of candidates for State offices to the county clerk or county clerks of the counties composing the second senatorial district, the Secretary of State shall certify the name of the candidate under each office as first which was second in the first senatorial district, and the name of the candidate which was first in the first senatorial district shall be certified as last in the second senatorial district. In certifying the names of candidates for State offices to the county clerk or county clerks of the counties composing the third senatorial district, the Secretary of State shall certify the name of the candidate under each office as first which was second in the second senatorial district, and the name of the candidate which was first in the second senatorial district shall be certified as last in the third senatorial district. The same procedure shall be followed by the Secretary of State in certifying the names of candidates for State offices to the several county clerks of the several senatorial districts of the State, the intent being that the names of candidates for such [each] of the State offices shall be rotated by senatorial districts.

In his certificate to the county clerk, the Secretary of State shall, below the name of each candidate for delegate and alternate delegate to National nominating conventions, insert the name of the candidate for President of the United States for whom such delegate or alternate delegate has specified his choice in accordance with his statement on file in the office of the Secretary of State, or, in case such candidate for delegate or alternate delegate has not indicated any choice, or preference, the Secretary of State, in his certificate, under the name of such candidate for delegate or alternate delegate shall print the words "No preference."

Not less than twenty-eight (28) days prior to the date of the primary, the county clerk shall certify to the board of election commissioners, if there be any such board in his county, the names of all candidates so certified to him by the Secretary of State, together with the list of the names of all other candidates in whose behalf petitions have been filed in his office and in the order so filed. And not less than twenty-eight (28) days prior to the date of the primary the city or town clerk, as the case may be, shall also certify to such board the names of all candidates in whose behalf petitions have been filed in the office of such city clerk or town clerk, as the case may be, and in the order so filed.

§ 35. The primary ballot of each political party for each precinct shall be arranged and printed substantially in the manner following:

1. At the top of the ballot shall be printed in large capital letters, words designating the ballot—if a Republican ballot, the designating words shall be: “REPUBLICAN PRIMARY BALLOT;” if a Democratic ballot the designating words shall be, “DEMOCRATIC PRIMARY BALLOT;” and in like manner for each political party.

2. Beginning not less than one inch below designating words, the name of each office to be filled shall be printed in capital letters and in the following order, to wit: President of the United States, State offices, congressional offices, judicial offices, clerks of the appellate courts, members of the State central committee, trustees of sanitary districts, county offices, city and village offices, town offices, or of such of the said offices as candidates are to be nominated for at such primary, and ward committeemen.

Below the name of each office shall be printed in small letters the directions to voters: “Vote for one;” “Vote for two;” “Vote for three;” or a spelled number designating how many persons under that head are to be voted for.

Below the name of each office shall be printed in capital letters the names of all candidates, arranged in the order in which their petitions for nomination were filed, except as otherwise provided in section 33 of this Act, for the nomination for said offices which are entitled to be placed upon the respective party primary ballot. Below the name of each candidate for delegate and alternate delegate to National nominating conventions shall [be] print[ed] the name of the candidate for President of the United States for whom such delegate or alternate delegate has expressed a preference, or if no choice has been expressed shall be printed the words “No preference.” The names of all candidates upon the primary ballot shall be printed in a column. Immediately opposite and in front of the name of each candidate shall be printed a square and all squares upon the primary ballot shall be of uniform size. Spaces between the names of candidates under each office shall be uniform and sufficient spaces shall separate the names of candidates for one office from the names of candidates for another office, to avoid confusion.

(3) At the bottom of the primary ballot and under the heading, “For precinct committeeman,” a space sufficiently large shall be left in which

the primary electors may write or attach the name of one primary elector of his party in the precinct as his choice for precinct committeeman. No square need be placed in front of the name of the person voted for for precinct committeeman: *Provided, however,* the provisions of this subsection three (3) of section 35, shall not apply to precincts within the territorial limits of an incorporated city or village having a population of two hundred thousand (200,000) or over.

§ 43. Every person having resided in this State one year, in the county ninety days, and in the precinct thirty days next preceding any primary therein, who was an elector in this State on the first day of April in the year of our Lord 1848, or obtained a certificate of naturalization before any court of record in this State prior to the first day of January in the year of our Lord 1870, or who shall be a male citizen of the United States above the age of twenty-one years, shall be entitled to vote at such primary: *Provided, however,* that all women, citizens of the United States, above the age of twenty-one years, having resided in the State one year, in the county ninety days, and in the election district thirty days, next preceding any primary election held therein, may vote at such primary for the nomination of candidates for such offices as such women may vote for at the election for which such primary is held.

Separate ballot boxes and ballots shall be provided for women, which ballots shall contain the names of candidates for nomination for such offices which are to be voted for.

The following regulations shall be applicable to primaries:

No person shall be entitled to vote at a primary:

- (a) Unless he declares his party affiliations as required by this Act;
- (b) Who shall have signed the petition for nomination of a candidate of any party with which he does not affiliate, when such candidate is to be voted for at the primary;
- (c) Who shall have signed the nominating papers of an independent candidate for any office for which office candidates for nomination are to be voted for at such primary; or
- (d) If he shall have voted at a primary held under this Act of another political party within a period of two years next preceding such primary: *Provided*, participation by a primary elector in a primary of a political party which under the provisions of section 2 of this Act, is a political party within a city only and entitled hereunder to make nominations of candidates for city offices only and for no other office or offices, shall not disqualify such primary elector from participating in other primaries of his party: *And, provided*, that no qualified voter shall be precluded from participating in the primary of any purely city, village or town political party under the provisions of section 2 of this Act, by reason of such voter having voted within two years at the primary of another political party.

In cities having a board of election commissioners, the following additional regulations shall be applicable:

In such cities only voters, registered as herein provided, shall be entitled to vote at such primary. The registration books prepared for and

used at the election then next preceding shall be used for the primary, and any person therein registered shall be entitled to vote at the primary unless he shall have removed from the election precinct or become otherwise disqualified. In any such city having a population of less than 200,000 any person whose name does not appear on the registry books who is, or shall, at or before the primary, become a primary elector of the precinct in which he desires to vote, shall be entitled to vote at such primary by filing, or causing to be filed, with the board of election commissioners, twenty days prior to a primary, an affidavit, or affirmation, specifying the facts, showing that on the date of such primary he will be a legally qualified primary elector in the precinct in which he desires to vote.

Such affidavit, or affirmation, for registration, shall state the name of the applicant, the place and date of his nativity, the term of his residence at his then present address, in the precinct, county, State and United States, the fact of his naturalization, if the applicant is a naturalized citizen, specifying the court, if known, or, if not known, the city in which the court was held where such citizen was naturalized, and the residence, when last registered, if the applicant was previously registered. It shall be the duty of the board of election commissioners to prepare proper forms of such affidavit, or affirmation.

Upon the filing of such affidavit, or affirmation, the board of election commissioners shall place the name of such primary electors, in the original registration books for the proper precinct, specifying the precinct from which he is transferred, if previously registered in another precinct, and shall also make a minute opposite his name in the original registration books of the precinct from which he has removed, showing the precinct to which his name is transferred, or, as the case may be, shall add the name of such primary elector in the original registration books for the proper precinct and the reason of the registration thereof.

At least five days prior to the date of the primary, the board of election commissioners shall cause to be posted at each polling place in each precinct, in a book substantially in the form now used for "verification lists" under the general election laws of this State, the name and address of each primary elector who has been registered for the primary by having filed an affidavit, or affirmation, as above set forth.

In any such city having a population of 200,000 or more, the said registration books shall be revised three weeks preceding such primary under the direction of such board of election commissioners in the same manner as is now provided by law for intermediate registration in cities having boards of election commissioners.

Any primary elector of a precinct may, on the eleventh and twelfth days immediately preceding the primary, file with the board of election commissioners an application, signed and sworn to by him, requesting the name of a person registered on the registration books as herein provided, shall be erased therefrom, for the reason that such person so

registered is not, or will not on or before the day of the primary, be a legal primary elector of the precinct, which application shall be in substance, in the words and figures following:

"I,, do hereby solemnly swear (or affirm) that I am informed and believe that is not a qualified voter in the precinct of the ward of the city (village or town) of, and that said will not be a qualified voter of such precinct and ward on the day of, A. D., and hence ask that his name be erased from the registers of such precinct."

Notice of such application with a demand to appear and show cause why such name should not be erased, shall thereupon be given to such person by the board of election commissioners. Such notice shall be served upon such person personally, or left at the place of residence named in such registration books, and a copy thereof shall be sent by mail, postage prepaid, at least two days before the day fixed to show cause, addressed to the person whose right to vote is challenged, at the address given in such registration books. In case personal service cannot be had, the return of the board of election commissioners shall so state and the reason therefor.

On Monday, Tuesday and Wednesday next preceding the primary, the board of election commissioners shall sit to hear such application by wards and precincts in the numerical order. At the request of either party, subpoenas shall be issued, and witnesses may be sworn and heard upon such hearing. Each person appearing in response to an application to erase a name shall subscribe and swear to an answer in the presence of a member of the board of election commissioners, substantially in the following form:

"I,, do solemnly swear that I am a citizen of the United States; that I hav[e] resided in the State of Illinois since the day of A. D., and in the county, said State, since the day of, A. D., and in the precinct of the ward, in the city of, said county and State, since the day of, A. D.; and that I am years of age; that I am the identical person registered in said precinct for the primary under the name I subscribe hereto."

Such answer shall be filed with the board of election commissioners.

The decision on each application shall be announced at once after hearing, and where such application is allowed, such name shall be erased forthwith.

The county court of the county in which such city is situated shall on Friday and Saturday of the week prior to the week in which such primary is to be held, especially sit to hear such application as may be made to it by persons whose names have been stricken from the registry list as above provided. Such application shall be sworn to and shall state that the board of election commissioners has stricken such name from the registry list. Such application shall be heard sum-

marily and evidence may be introduced for or against such application. Each case shall be decided at once on hearing, and the clerk of the court shall make a minute of the disposition of each application. A copy of such minute shall at once be given to such board of election commissioners, and, when such minute indicates that the name of the applicant shall be restored to the registry, the board of election commissioners shall forthwith cause such name to be placed upon the appropriate register, and indicate that it was entered by order of court.

In case such county court shall refuse such application, an order shall be entered accordingly on the Monday following the session of court held for the purpose aforesaid, and any person desiring to appeal from the said order may appeal to the Supreme Court of the State, if application be made therefor within five days after the entry of said order, and such appeal shall be allowed on the giving of an appeal bond in the penalty of \$250, conditioned to pay the expenses of such appeal. The time for filing such appeal bond and certificate of evidence shall be fixed by the court, and upon presentation to the court of a certificate containing the evidence heard at such hearing, within the time fixed by the court, the court shall sign the same, and thereupon the same shall become part of the record in said cause.

The original registration books, revised as herein provided, shall constitute the primary registration.

§ 51. If the primary elector marks more names upon the primary ballot than there are persons to be nominated as candidates for an office, or for State central committeemen, precinct or ward committeemen, or delegates or alternate delegates to National nominating conventions, or if for any reason it is impossible to determine the primary elector's choice of a candidate for the nomination for an office, or committeeman, or delegate or alternate delegate to National nominating conventions, his primary ballot shall not be counted for the nomination for such office or committeeman, or delegate or alternate delegate to National nominating conventions.

No primary ballot, without the endorsement of the judge's initials thereon, shall be counted. Any judge wilfully omitting to endorse his initials on a primary ballot, as required by this Act, shall be guilty of a misdemeanor and punishable by a fine not exceeding one hundred dollars for each offense.

Primary ballots not counted shall be marked "defective" on the back thereof; and primary ballots to which objections have been made by either of the primary judges or challengers shall be marked "objected to" on the back thereof; and a memorandum, signed by the primary judges, stating how it was counted, shall be written on the back of each primary ballot so marked; and all primary ballots marked "defective" or "objected to" shall be enclosed in an envelope and securely sealed, and so marked and endorsed as to clearly disclose its contents.

All primary ballots not voted, and all that have been spoiled by voters while attempting to vote, shall be returned to the proper clerk, by the primary judges, and a receipt taken therefor, and shall be preserved three months. Such official shall keep a record of the number of

primary ballots delivered for each polling place, and he or they shall also enter upon such record the number and character of primary ballots returned, with the time when and the persons by whom they are returned.

§ 53. As soon as the ballots of a political party shall have been read and the votes of said political party counted, as provided in the last above section, the primary clerks shall foot up the tally sheets so as to show the total number of votes cast for each candidate of said political party and for each candidate for State central committeeman and precinct or ward committeeman, or delegate or alternate delegate to National nominating conventions, and certify the same to be correct. Thereupon, the primary judge shall set down in the primary poll books, under the name of said political party, the name of each candidate voted for upon the primary ballot, written at full length, the name of the office for which he is a candidate for nomination or for committeeman, or delegate or alternate delegate to National nominating conventions, the total number of votes which said candidate received, and the primary poll books to be made substantially in the following form:

“..... PARTY.

At the primary election held in this precinct on the.....day ofA. D. 19.., the respective candidates whose names were written or printed on the primary ballot of said.....party, received respectively the following votes:

NAME OF CANDIDATE.	TITLE OF OFFICE.	NO. OF VOTES.
John Jones.....	Governor	100
Sam Smith.....	Governor	70
Frank Martin.....	Attorney General.....	150
William Preston.....	Representative in Congress	206
Frederick John.....	County Judge.....	59

And so on for each candidate.

We hereby certify the above and foregoing to be true and correct.

Dated this day of, A. D. 19..

.....
.....

Judges of Primary.

§ 56. As soon as complete returns are delivered to the proper clerk, the returns shall be canvassed as follows:

1. In the case of the nomination of candidates for city offices, by the mayor, the city attorney and the city clerk.

2. In the case of nomination of candidates for village offices, by the president of the board of trustees, one member of the board of trustees and the village clerk.

3. The officers who are charged by law with the duty of canvassing returns of general elections made to the county clerk, shall also open and canvass the returns of a primary made to such county clerk. Upon the completion of the canvass of the returns by the county canvassing board, said canvassing board shall make [make] a tabulated statement of the returns for each political party separately, stating in appropriate columns and under proper headings, the total number of votes cast in said county for each candidate for nomination by said party, including candidates for President of the United States and for State central committeemen, and for delegate and alternate delegate to National nominating conventions. Within two (2) days after the completion of said canvass by said canvassing board the county clerk shall mail to the Secretary of State a certified copy of such tabulated statement of returns: *Provided, however*, that the number of votes cast for the nomination for offices, the certificate of election for which offices, under the general election laws are issued by the county clerk shall not be included in such certified copy of said tabulated statement of returns.

4. In the case of the nomination of candidates for offices, including President of the United States and State central committeeman, and delegates and alternate delegates to National nominating conventions, certified tabulated statement of returns for which are filed with the Secretary of State, said returns shall be canvassed by the Governor, Secretary of State and State Treasurer: *And, provided, further*, that within five (5) days after said returns shall be canvassed by the said State primary canvassing board, the Secretary of State shall cause to be published in one daily newspaper of general circulation at the seat of the State government in Springfield a certified statement of the returns filed in his office, showing the total vote cast in the State for each candidate of each political party for President of the United States, and showing the total vote for each candidate of each political party for President of the United States, cast in each of the several congressional districts in the State, and stating the names of the delegates and alternate delegates to National nominating conventions for each political party.

5. Where, in cities or villages which have a board of election commissioners, the returns of a primary are made to such board of election commissioners, said returns shall be canvassed by such board, and, excepting in the case of the nomination of candidates for any city or town office in such city, tabulated statements of the returns of such primary shall be made to the county clerk.

§ 57. Each of said canvassing boards, respectively, shall, upon completion of the canvassing of the returns, make proclamation of the result of said primary for each political party, and shall make and execute a certificate, and unless a notice of contest shall have been filed with said canvassing board ten (10) days after completion of the canvass, shall file such certificates in the office of the Secretary of State, or in the office of the clerk whose duty it is to print the official ballot for the election for which the nomination is made, as the case may be, stating therein the name of each candidate of each political party so

nominated or elected, as shown by the returns, together with the name of the office for which he was nominated or elected, including ward committeemen, and including in the case of the State primary canvassing board, candidates for State central committeemen, and delegates and alternate delegates to National nominating conventions. In case of delegates and alternate delegates to National nominating conventions such certificates shall show the name of the candidate for President of the United States, for whom such delegates or alternate delegates have expressed their choice as disclosed from their statements in writing on file in the office of the Secretary of State. In case a notice of contest shall be filed with any canvassing board, such canvassing board shall withhold its certificate until a certified copy of the decree or order of the court hearing such contest shall have been filed with such canvassing board. The said canvassing board shall, within one (1) day after receiving a certified copy of said decree or order, proceed to finish the canvass of the returns as corrected by such decree and make proclamation accordingly.

Upon the filing of said certificate in the office of the Secretary of State, or in the office of the proper clerk, as the case may be, the Secretary of State, or the proper clerk, as the case may be, shall within one (1) day thereafter, issue a certificate of nomination to each of the candidates so proclaimed nominated.

The Secretary of State shall also issue a certificate of election to each of the persons shown by the returns and the proclamation thereof to be elected State central committeeman, and delegates and alternate delegates to National nominating conventions.

§ 58. The person receiving the highest number of votes at a primary as a candidate of a party for the nomination for an office shall be the candidate of that party for such office, and his name as such candidate shall be placed on the official ballot at the election then next ensuing: *Provided*, that where there are two or more persons to be nominated for the same office or board, the requisite number of persons receiving the highest number of votes shall be nominated and their names shall be placed on the official ballot at the following election.

In the case of candidates for nomination for members of the board of assessors, where five are to be elected, four of whom are to be elected from any one city and the city has the requisite number, then the candidate for nomination living outside of such city having the highest number of votes of his party shall be nominated, and his name shall be placed on the official ballot at the following election.

The person receiving the highest number of votes of his party for State central committeeman of his congressional district shall be declared elected State central committeeman from said congressional district.

The requisite number of persons receiving the highest number of votes of their party for delegates and alternate delegates to National nominating conventions as disclosed from the certificate of the State central committee of such political party on file in the office of the

Secretary of State shall be declared elected delegates and alternate delegates to the National nominating convention of their party.

The person receiving the highest number of votes of his party for ward committeeman of his ward shall be declared elected ward committeeman from said ward.

When two or more persons receive an equal and the highest number of votes for the nomination for the same office or for committeeman of the same political party, or where more than one person of the same political party is to be nominated as a candidate for office or committeeman, if it appears that more than the number of persons to be nominated for an office or elected committeeman have the highest and an equal number of votes for the nomination for the same office or for election as committeemen, the board by which the returns of the primary are canvassed shall decide by lot which of such persons shall be nominated or elected, as the case may be. In such case such canvassing board shall issue notice in writing to such persons of such tie vote, stating therein the place, the day (which shall not be more than five (5) days thereafter), and the hour when such nomination or election shall be so determined.

§ 62. Any candidate whose name appears upon the primary ballot of any political party in any precinct may contest the election of the candidates nominated by his political party, upon the face of the returns, if he so desires, and may, in said county or any of the precincts thereof as to the office for which he was a candidate, contest the election in such county or precinct by filing with the clerk of the county court, except in the case of candidates for the nomination for State and congressional offices and for the office of county judge, a petition in writing, setting forth the grounds of contest, which petition shall be verified by the affidavit of the petitioner or other person, and which petition shall be filed within five (5) days after the completion of the canvass of the returns. The contestant shall also file with the canvassing board, which canvasses the returns for such nomination (and if for the nomination for an office, certified tabulated statements of the returns of which are to be filed with the Secretary of State), also with the county canvassing board, a notice of the pendency of the contest. In the case of a contest for the nomination for State and congressional offices and for the office of county judge, said petition shall be filed in the office of the clerk of the circuit court.

Authority and jurisdiction are hereby vested in the county court or in the judge thereof in vacation, or in the circuit court or in the judges thereof in vacation, as the case may be, to hear and determine primary contests. When a petition to contest a primary shall be filed in the office of the clerk of the court, said petition shall forthwith be presented to the judge thereof, who shall note thereon the date of presentation, and shall also note thereon the day when he will hear the same, which shall not be more than five (5) days thereafter, and shall order issuance of summons to each defendant named in the petition.

Summons shall forthwith issue to each defendant named in the petition and shall be served in the same manner as is provided in cases in chancery. Summons may be issued and served in any county in the State. The case may be heard and determined by the county or circuit court in term time, or by the judges thereof in vacation, at any time not less than three (3) days after service of process, and shall have preference in the order of hearing to all other cases. The petitioner shall give security for all costs.

If, in the opinion of the court, in which the petition is filed, the grounds for contest alleged are insufficient in law, the petition shall be dismissed. If the grounds alleged are sufficient in law, the court shall proceed in a summary manner and may hear evidence, examine the returns, recount the ballots and make such orders and enter such judgment as justice may require. The court shall ascertain and declare by a decree, as in chancery to be entered of record in the proper court, the result of such election in the territorial area for which the contest is made. The judgment of the court shall be final. A certified copy of said decree shall forthwith be made by the clerk of the court and transmitted to the board canvassing the returns for such office; and in case of contest, if for nomination for an office, tabulated statements of returns for which are filed with the Secretary of State, also in the office of the county clerk in the proper county. The proper canvassing board, or boards, as the case may be, shall correct the returns or the tabulated statement of returns in accordance with said decree.

APPROVED June 30, 1913.

PRIMARY ELECTIONS—GENERAL ACT OF 1910, PRESIDENT AND U. S.
SENATOR.

§11. Amends section 29, Act of 1910.

§ 29. As amended, changes time of filing petitions and number of signers and omits advisory vote on U. S. Senator.

(SENATE BILL NO. 373. APPROVED JUNE 27, 1913.)

AN ACT to amend section 29 of an Act entitled, "An Act to provide for the holding of primary elections by political parties," approved March 9, 1910, in force July 1, 1910, as amended by an Act approved and in force March 30, 1912.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 29 of an Act entitled, "An Act to provide for the holding of primary elections by political parties," approved March 9, 1910, in force July 1, 1910, as amended by an Act approved and in force March 30, 1912, be amended to read as follows:

§ 29. Any candidate for President of the United States or for United States Senator may have his name printed upon the primary ballot of his political party by filing in the office of the Secretary of State not more than sixty (60) and not less than thirty (30) days prior to the

date of the April primary, in any year, a petition signed by not less than one thousand (1,000) nor more than two thousand (2,000) primary electors of the party of which he is a candidate, and no candidate for President of the United States nor for United States Senator, who fails to comply with the provisions of this Act, shall have his name printed upon any primary ballot: *Provided*, that the vote for President of the United States as herein provided shall be for the sole purpose of securing an expression of the sentiment and will of the party voters with respect to candidates for nomination for said office, and the vote of the State at large shall be taken and considered as advisory to the delegates and alternates at large to the National conventions of the respective political parties; and the vote of the respective congressional districts shall be taken and considered as advisory to the delegates and alternates of said congressional districts to the National conventions of the respective political parties.

APPROVED June 27, 1913.

PRIMARY ELECTIONS—LEGISLATIVE ACT OF 1910 AMENDED.

§ 1. Amends sections 4, 7, 8 and 13, Act of 1910.

§ 4. Date of primary.

§ 7. Time for filing petitions and withdrawals.

§ 8. Certification of names to county clerk and election commissioners.

§ 13. Provisions of "General Primary Act" to apply.

(HOUSE BILL NO. 835. APPROVED JUNE 27, 1913.)

AN ACT to amend sections four (4), seven (7), eight (8), and thirteen (13) of an Act entitled, "An Act to provide for the holding of primary elections by political parties for the nomination of members of the General Assembly and the election of senatorial committeemen," approved March 9, 1910, in force July 1, 1910.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections four (4), seven (7), eight (8), and thirteen (13) of an Act entitled, "An Act to provide for the holding of primary elections by political parties for the nomination of member[s] of the General Assembly and the election of senatorial committeemen," approved March 9, 1910, in force July 1, 1910, be amended so as to read as follows:

§ 4. A primary shall be held on the first Wednesday after the second Tuesday in September, in the year A. D. 1914 and every two years thereafter for the nomination of candidates for senatorial offices and for the election of senatorial committeemen.

Whenever in this Act the term "April primary" or equivalent words shall appear, such term or such words shall be construed to refer to and include the primary to be held on the first Wednesday after the second Tuesday in September.

§ 7. All petitions for nominations shall be filed as follows:

(1) Where the nomination is made for a senatorial office such petition for nomination shall be filed in the office of the Secretary of State, not more than sixty (60) and not less than forty (40) days prior to the date of the primary.

(2) The petitions of candidates for senatorial committeemen shall be filed in the office of the county clerk not more than sixty (60) and not less than forty (40) days prior to the date of the primary.

(3) The Secretary of State and the various clerks with whom such petitions for nomination are filed shall endorse thereon the day and hour on which each petition was filed.

(4) Any person for whom a petition for nomination or for senatorial committeeman has been filed may cause his name to be withdrawn in writing, signed by him, duly acknowledged before an officer qualified to take acknowledgments of deeds and filed in the office of the Secretary of State, not less than thirty-five (35), or with the proper clerk not less than thirty-five (35) days prior to the day of the primary and no names so withdrawn shall be certified by the Secretary of State to the county clerk or printed on the primary ballot.

§ 8. Not less than thirty (30) days prior to the date of the primary, the Secretary of State shall certify to the county clerk of each county the names of all candidates for senatorial offices as specified in the petitions for nominations on file in his office, which are to be voted for in such county, stating in such certificates the political affiliations of each candidate for nomination as specified in said petition. The Secretary of State shall in his certificate to the county clerk, certify to said county clerk the names of the candidates in the order in which said names shall appear upon the primary ballot, said names to appear in the order in which petitions shall have been filed in the office of the Secretary of State, except as otherwise provided in this Act.

Not less than twenty-eight (28) days prior to the date of the primary, the county clerk shall certify to the board of election commissioners, if there be any such board in his county, the names of all candidates so certified to him by the Secretary of State, together with the names of all candidates for senatorial committeemen in the districts wholly or partly within the jurisdiction of said board and in the order in which such names are certified to him, or in which petitions are filed in his office.

§ 13. Except as herein otherwise expressly provided, each, every and all of the provisions of any Act relating to the holding of primary elections by political parties, passed by this extraordinary session of the General Assembly, and Acts hereafter passed amendatory thereof shall, so far as the same may be applicable, apply to and govern primary elections and contests thereof held under the provisions of this Act. The returns of such primary shall be made to the county clerk or board of election commissioners, as the case may be, and shall be canvassed and certified as other returns made to the county clerk or board of election commissioners as the case may be. The county canvassing board, or the board of election commissioners, as the case may be, shall issue a certificate of election to the requisite number of persons of each political party shown by the returns to be elected members of the senatorial committee.

Tabulated statements of the returns of the primary for the nomination of candidates for senatorial offices shall be made to the Secretary of State, canvassed by the State Primary Canvassing Board, proclamation of the result thereof made, and certificates of nomination issued, as in the case of other tabulated statements of returns made to the Secretary of State, and the election of any person nominated or of senatorial committeeman may be contested by filing with the clerk of the circuit court a petition in writing and filing notice in writing with the proper canvassing boards as required by the Acts last referred to and the pains and penalties prescribed in the Acts last referred to shall apply to and govern all elections held under this Act.

APPROVED June 27, 1913.

WOMEN GRANTED RIGHT TO VOTE FOR CERTAIN OFFICERS, ETC.

§ 1. What officers and propositions in State, cities, villages and towns.

§ 3. Separate ballot boxes and ballots
—canvass—registration.

§ 2. What township officers, etc.

(SENATE BILL NO. 63. APPROVED JUNE 26, 1913.)

AN ACT *granting women the right to vote for presidential electors and certain other officers, and to participate and vote in certain matters and elections.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all women, citizens of the United States, above the age of 21 years, having resided in the State one year, in the county ninety days, and in the election district thirty days next preceding any election therein, shall be allowed to vote at such election for presidential electors, member of the State Board of Equalization, clerk of the appellate court, county collector, county surveyor, members of board of assessors, members of board of review, sanitary district trustees, and for all officers of cities, villages and towns (except police magistrates), and upon all questions or propositions submitted to a vote of the electors of such municipalities or other political divisions of this State.

§ 2. All such women may also vote for the following township officers: supervisor, town clerk, assessor, collector and highway commissioner, and may also participate and vote in all annual and special town meetings in the township in which such election district shall be.

§ 3. Separate ballot boxes and ballots shall be provided for women which ballots shall contain the names of the candidates for such offices which are to be voted for and the special questions submitted as aforesaid, and the ballots cast by women shall be canvassed with the other ballots cast for such officers and on such questions. At any such election where registration is required, women shall register in the same manner as male voters.

APPROVED June 26, 1913.

EMPLOYMENT.

CHAUFFEURS--PROTECTION FROM DUST, WIND, ETC.

§ 1. Shield and hood on certain automobiles. | § 2. Penalty for violation.

(HOUSE BILL NO. 287. APPROVED JUNE 27, 1913.)

AN ACT to protect chauffeurs in their employment from dust, wind and inclement weather.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Every person or corporation owning, operating or controlling automobiles or auto trucks used for the delivery of merchandise, produce or freight, shall keep upon the front of the said automobiles or auto trucks a shield and hood as an inclosure to protect chauffeurs from wind, dust and inclement weather.

§ 2. Every person or corporation owning, operating or controlling an automobile or auto truck who shall neglect or refuse to comply with the provisions of section 1 of this Act upon conviction shall be fined not less than ten dollars nor more than \$50.00 for each and every day and for each and every automobile or auto truck used and operated in violation of section 1 of this Act.

APPROVED June 27, 1913.

FREE EMPLOYMENT OFFICES AND AGENCIES—LOCATION.

§ 1. Amends section 1, Act of 1903.

§ 1. As amended, provides for agency in two or more contiguous cities of not less than 50,000.

(SENATE BILL NO. 165. APPROVED JUNE 21, 1913.)

AN ACT to amend section 1 of an Act entitled, "An Act relating to employment offices and agencies," approved and in force May 11, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an Act entitled, "An Act relating to employment offices and agencies," approved and in force May 11, 1903, be amended to read as follows:

§ 1. That free employment offices are hereby created as follows: One in each city of not less than fifty thousand population, one in two or more contiguous cities or towns having an aggregate or combined population of not less than fifty thousand population, and three in each city containing a population of one million or over, for the purpose of receiving applications of persons seeking employment and applications of persons seeking to employ labor. Such offices shall be designated and known as Illinois Free Employment Offices.

APPROVED June 21, 1913.

INDUSTRIAL BOARD—COMPENSATION FOR ACCIDENTAL INJURIES OR DEATH.

- § 1. Any employer may elect to provide and pay compensation for accidental injuries or death of employees.
- (a) Employer accepting Act to file notice with Industrial Board.
 - (b) Bound as to all employees to Jan. 1, next succeeding year, and for years thereafter—employer may elect not to pay compensation—notice to be filed with board sixty days prior to end of any calendar year—same notice to be posted at plant, shop or working place of employee.
 - (c) Employer electing to accept provisions of Act—all employees bound thereby—notice to contrary to be filed within thirty days—employees may withdraw by filing notice ten days prior to January 1st of any year.
 - (d) Employer or employee may withdraw rejections by giving thirty days' notice.
- § 2. Every employer whose business comes under Act bound by its provisions unless notice to contrary is filed and copy of said notice furnished to employees.
- § 3. (a) Employer rejecting Act liable in action for damages—certain defenses abrogated.
- (b) Business enterprises under Act enumerated.
- § 4. Term "employer" defined—liability.
- § 5. Term "employee" defined.
- § 6. Employee under Act, dependent, or legal representative, denied right to recover except under Act.
- § 7. (a) Compensation for injury resulting in death—payable to widow or children—how computed—minimum and maximum amounts.
- (b) Compensation not payable under paragraph (a)—to whom payable defined.
 - (c) Compensation not payable under paragraphs (a) and (b)—to whom payable defined.
 - (d) Compensation not payable under paragraphs (a) or (b) or (c)—burial expenses paid.
 - (e) All compensation, in case of death, paid in installments, same as wages, were paid—exceptions.
 - (f) Compensation to be paid in case of death, at option of employer—to whom paid—how distributed to beneficiaries or heirs.
- § 8. Compensation to employee for non-fatal injury.
- (a) Employer to provide first aid medical and hospital services—employee may elect to provide same.
 - (b) If incapacity for work exceeds six working days compensation to be paid, beginning on eighth day, and continued—stipulations.
 - (c) Permanent disfigurements mentioned—compensation fixed by agreement or arbitration—provision as to payments.
- (d) Partial permanent disability—compensation to be paid—limitations to time and amounts provided—employees returning to previous place no bar to claiming compensation—notice required.
 - (e) Employee to receive additional compensation for temporary total incapacity—injuries enumerated—compensation specified for classified injuries—permanent disabilities defined, other not excluded.
 - (f) Cases of complete disability—compensation, amount of specified—when paid—limitation of total amount—life pension provision—amount of—how paid.
 - (g) Should death occur from injury before maximum amount is paid—employer to pay difference to heirs—not less than \$500.
 - (h) Compensation limited—complete disability excepted—conservator appointed for incompetent employee injured.
 - (i) All compensation payable same intervals as wages—exception.
- § 9. Employer or employee may petition board at any time for lump sum payment of compensation—interested parties to appear before board—if best interest—conserved board will order compensation—in cases of complete disability board will not consider petition until six months after accident—where necessary, guardian, conservator or administrator appointed on proper application—employer may petition for appointment of public administrator, conservator or guardian—when—if lump sum awarded is unsatisfactory to either party, written objection to be filed within ten days—compensation then payable as provided.
- § 10. Basis for computing compensation named in sections 7 and 8.
- (a) Earning under same employer continuously for preceding year, basis of compensation.
 - (b) Meaning of "same employer"—grade of work at time of accident—no absence for work—causes.
 - (c) Employment not continuous for full year with same employer—how compensation computed.
 - (d) Employee not regularly employed—computation.
 - (e) Employments operating only parts of year—how earnings of employees may be computed.
 - (f) Employee earning no wages or less than day laborers same employment—yearly wages—how computed.
 - (g) Earning based on hours comprising prevailing days' work—extra earnings excluded.
 - (h) Employee receiving compensation—again injured—subsequent compensation how apportioned.
 - (i) Compensation by installment periods—how determined.

INDUSTRIAL BOARD—*Continued.*

- § 11. Employer's responsibility for injury or death of employee.
- § 12. Employee injured entitled to compensation—submit to examination by surgeon selected by employer—time—place—expense—second and subsequent examinations—purpose—conditions—surgeon provided by employee to be present—refusal of employee or obstruction to examination—rights to compensation suspended.
- § 13. Industrial Board appointed by Governor—confirmed by Senate—qualification—not more than two members to be of same political party.
- § 14. Salaries of members of board—secretary—assistants and clerical help—official seal.
- § 15. Jurisdiction of board—operation—control—duties.
- § 16. Board to make rules and orders governing duties—manifestly reasonable—procedure before board simple and brief—board or members administer oaths—subpoenas—examine witnesses, books, papers, records, places and premises—when.
- § 17. Board to furnish blank forms for use of employer and employee—keep indexed record—date of employer filing notice declining provisions of Act or withdrawing same—same record for employee—other notices to be recorded—proceedings recorded of all orders, awards and arbitrations—other necessary books and records kept in office of board.
- § 18. Board to determine all questions arising not settled by agreement of parties—exceptions.
- § 19. Disputed questions between employer and employee, how determined.
- (a) Board when notified of failure of agreement, to notify both parties to appoint representatives on committee of arbitration—board designates one of its number or an agent to act as chairman—either party failing to appoint member of committee within seven days, board to appoint person to fill vacancy—notice given—expenses of such appointee—how paid.
- (b) Committee of arbitration—powers—investigations—examine books, papers, records, premises—hearings held in vicinity of injury—ten days' notice of time and place given to all parties—decisions of committee filed with board—board to send copy to each party with date of filing—petition for review by either party filed with board within fifteen days—party petitioning to file with board within twenty days agreed statement of facts on hearing stenographic report—decision of board entered of record—board may for cause grant further time to petition for review, file agreed statement or stenographic report—agreed statement or stenographic report to bear signatures of both parties or attorneys—parties or attorneys disagreeing to stenographic report—authenticated by signature of chairman of committee.
- (c) Board may employ qualified physician to examine injured employee and report—fee not to exceed five dollars and expenses—additional amounts allowed by board—when—fees and payments—services of attorneys and physicians authorized under Act—subject to review and decision of board on request of employer, employee or beneficiary.
- (d) Injured employee persisting in unsanitary or injurious practices, tending to retard recovery—refusing essential medical treatment—board may reduce or suspend compensation.
- (e) When petition for review and agreed statement are filed—board to review decision of committee and facts in connection therewith—may hear additional evidence—board will file decision on review—each party furnished copy—board names place of holding review and hearing—within twenty days or further time if granted by board, either party may file authenticated agreed statement appearing at hearing—disagreement of parties—chairman of board authenticates—all statements filed of proceedings and hearings before committee or board become part of record.
- (f) Decision of board, paragraph (e) and committee, approved by board, in absence of fraud, conclusive—Supreme Court power to review—aggrieved party may apply within thirty days after notice of decision or after filing agreed statement for certiorari, mandamus or other process permissible—decision of two members of board or committee determines all questions.
- (g) Either party may present to proper court certified copy of decision of board where no review taken; or of committee where no claim for review made; or of board after hearing on review, providing for compensation—court will render judgment—employer not instituting proceedings for review, and refusing to pay compensation as awarded, court to tax all court costs and attorney fees in arbitration and court entering judgment, in favor of person for whom judgment was entered—said judgment and costs, unless set aside, has same effect as rendered in any action and be entered and docketed—circuit court to have power on applications to make its judgment conform to modifications of Supreme Court or proceedings for review under Act—employer to have fifteen days' notice of time and place of application for entry of judgment—served by filing with board—copy sent to employer or agent of board—judgment not entered if employer files required bond with board for payment of a ward—failure to prosecute proceedings for review of decision—decision affirmed.

INDUSTRIAL BOARD—*Concluded.*

- (h) Agreement for payment of compensation by installments—reviewed by board within eighteen months—request made by either employer or employee—basis for such review—compensation payments—how effected—board to give fifteen days' notice of hearings—employer filing petition for review—employee to have special notice enabling him to attend hearings—limited mileage paid—if allowed by board—costs deposited by employer.
- (i) Either party taking action for proceedings before board or any committee or court, must file with board address or name and address of agent; notices served personally or by registered mail—address not filed, service had by filing notice with board.
- § 20. Board to report to Governor June 20th annually—scope of report—special bulletins issued.
- § 21. No payment, claim or award under Act assignable or liable in any manner—in case of insolvency of employer, certified copy of decision of board for compensation may be filed with county recorder of any county—becomes paramount lien on all property of employer in county—wages and taxes excepted—lien enforced by court—right to receive compensation extinguished by death of employee or heirs—subject to provisions for compensation for death in course of employment.
- § 22. Fraud presumed for any agreement made within seven days after injury by employer or representative with employee or beneficiaries for any claim under Act.
- § 23. No employee, representative or beneficiary has power to waive provisions of Act relating to compensation.
- § 24. Proceedings for compensation—employer to be given notice of accident soon as practicable—not later than thirty days thereafter—mental incapacity of employee within six months—no defect in notice a bar to employee maintaining proceedings—employer must prove prejudice for any defect in notice of employee—substance of notice to employer—employer not relieved from liability—when—claim for compensation to be made within six months after accident.
- § 25. Liability of employer for compensation may be relieved by board.
(a) Depositing computed value.
(b) Purchase of annuity.
- § 26. Employer to file with board statement of financial ability to pay compensation—other requirements.
- § 27. Insurance maintained by employer or employee not disturbed by Act.
(b) Existing insurance cannot be discontinued until all obligations are discharged.
(c) Employee under contract to pay premium on insurance against compensation of Act, null and void—employer not to withhold wages—penalty.
- § 28. Inability of employee to recover compensation from employer—subrogated to all rights of employer against insurance company—insurance company to pay employee.
- § 29. Injury or death of employee not proximately caused by negligence of employer or employees, but caused by some other person, under the Act, legally liable—right of employee to recover—proceedings when person legally liable, not under Act.
- § 30. Employer to send board immediate report of fatal accident—other reports between 15th and 25th of each month—further report in case of permanent disability—what reports shall contain—no other report to be made to State officer.
- § 31. Persons sub-contracting to do work must furnish bond to employer to secure liability for accident to employee.
- § 32. Right of action for damages under existing laws, at time this Act takes effect, not disturbed.
- § 33. Penalty for failure to comply with any provisions of Act punishable by fine from \$10 to \$500 at the discretion of the court.
- § 34. Invalidity of any part of Act not to affect any other valid portion thereof.
- § 35. Act of 1911 repealed.

(HOUSE BILL NO. 841. APPROVED JUNE 28, 1913.)

AN ACT to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment within this State; providing for the enforcement and administering thereof, and a penalty for its violation, and repealing an Act entitled, "An Act to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment," approved June 10, 1911, in force May 1, 1912.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That any employer in this State

may elect to provide and pay compensation for accidental injuries sustained by any employee arising out of and in the course of the employment according to the provisions of this Act, and thereby relieve himself from any liability for the recovery of damages, except as herein provided.

(a) Election by an employer to provide and pay compensation according to the provisions of this Act shall be made by the employer filing notice of such election with the Industrial Board.

(b) Every employer within the provisions of this Act who has elected to provide and pay compensation according to the provisions of this Act shall be bound thereby as to all his employees covered by this Act until January 1st of the next succeeding year and for terms of each year thereafter: *Provided*, any such employer may elect not to provide and pay the compensation herein provided for accidents resulting in either injury or death and occurring after the expiration of any such calendar year by filing notice of such election with the Industrial Board at least sixty days prior to the expiration of any such calendar year, and by posting such notice at a conspicuous place in the plant, shop, office, room, or place where such employee is employed, or by personal service, in written or printed form, upon such employee, at least sixty days prior to the expiration of any such calendar year.

(c) In the event any employer elects to provide and pay the compensation provided in this Act, then every employee of such employer, as a part of his contract of hiring or who may be employed at the time of the taking effect of this Act and the acceptance of its provisions by the employer, shall be deemed to have accepted all the provisions of this Act and shall be bound thereby unless within thirty days after such hiring or after the taking effect of this Act, and its acceptance by the employer, he shall file a notice to the contrary with the Industrial Board, whose duty it shall be to immediately notify the employer, and if so notified, the employer shall not be deprived of any common law or statutory defenses existing but for this Act; and until such notice to the contrary is given to the employer, the measure of liability of the employer shall be determined according to the compensation provisions of this Act: *Provided, however*, that any employee may withdraw from the operation of this Act upon filing a written notice of withdrawal at least ten days prior to January 1st of any year with the Industrial Board, whose duty it shall be to immediately notify the employer by registered mail, and, if so notified, the employer shall not be deprived of any common law or statutory defenses existing but for this Act, and until such notice to the contrary is given to the employer, the measure of liability of the employer shall be determined according to the compensation provisions of this Act.

(d) Any employer or employee may, without prejudice to any existing right or claim, withdraw his election to reject this Act by giving thirty days' written notice in such manner and form as may be provided by the Industrial Board.

§ 2. Every employer enumerated in section 3, paragraph (b), shall be conclusively presumed to have filed notice of his election as provided

in section 1, paragraph (a), and to have elected to provide and pay compensation according to the provisions of this Act, unless and until notice in writing of his election to the contrary is filed with the Industrial Board and unless and until the employer shall either furnish to his employee personally or post at a conspicuous place in the plant, shop, office, room or place where such employee is to be employed, a copy of said notice of election not to provide and pay compensation according to the provisions of this Act; which notice of non-election if filed and posted as herein provided, shall be effective until withdrawn; and such notice of non-election may be withdrawn as provided in this Act.

§ 3. (a) In any action to recover damages against an employer, engaged in any of the occupations, enterprises or businesses enumerated in paragraph (b) of this section, who shall elect not to provide and pay compensation to any employee, according to the provisions of this Act, it shall not be a defense, that:

First—The employee assumed the risks of the employment;

Second—The injury or death was caused in whole or in part by the negligence of a fellow-servant; or

Third—The injury or death was proximately caused by the contributory negligence of the employee.

(b) The provisions of paragraph (a) of this section shall only apply to an employer engaged in any of the following occupations, enterprises or businesses, namely:

1. The building, maintaining, repairing or demolishing of any structure;

2. Construction, excavating or electrical work;

3. Carriage by land or water and loading and unloading in connection therewith;

4. The operation of any warehouse or general or terminal store houses;

5. Mining, surface mining or quarrying;

6. Any enterprise in which explosive materials are manufactured, handled or used in dangerous quantities;

7. In any enterprise wherein molten metal, or explosive or injurious gases or vapors, or inflammable vapors or fluids, or corrosive acids, are manufactured, used, generated, stored or conveyed in dangerous quantities;

8. In any enterprise in which statutory or municipal ordinance regulations are now or shall hereafter be imposed for the regulating, guarding, use or the placing of machinery or appliances, or for the protection and safeguarding of the employees or the public therein; each of which occupations, enterprises or businesses are hereby declared to be extra-hazardous.

§ 4. The term "employer" as used in this Act shall be construed to be:

First—The State and each county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein.

Second—Every person, firm, public or private corporation, including hospitals, public service, eleemosynary, religious or charitable corporations or associations who has any person in service or under any contract for hire, express or implied, oral or written, and who, at or prior to the time of the accident to the employee for which compensation under this Act may be claimed, shall in the manner provided in this Act have elected to become subject to the provisions of this Act, and who shall not, prior to such accident, have effected a withdrawal of such election in the manner provided in this Act.

§ 5. The term "employee" as used in this Act shall be construed to mean:

First—Every person in the service of the State, county, city, town, township, incorporated village or school district, body politic, or municipal corporations therein, under appointment, or contract of hire, express or implied, oral or written, except any official of the State, or of any county, city, town, township, incorporated village, school district, body politic or municipal corporation therein; and except any employee thereof for whose accidental injury or death arising out of and in the course of his employment compensation or a pension shall be payable to him, his personal representative, beneficiaries or heirs, from any pension or benefit fund to which the State, or any county, city, town, township, incorporated village, school district, body politic or municipal corporation therein contributes in whole or in part: *Provided*, that one employed by a contractor who has contracted with the State, or a county, city, town, township, incorporated village, school district, body politic or municipal corporation therein, through its representatives, shall not be considered as an employee of the State, county, city, town, township, incorporated village, school district, body politic or municipal corporation which made the contract.

Second—Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, and minors who are legally permitted to work under the laws of the State, who, for the purpose of this Act, shall be considered the same and have the same power to contract, receive payments and give quittances therefor, as adult employees, but not including any person whose employment is but casual or who is not engaged in the usual course of the trade, business, profession or occupation of his employer: *Provided*, that employees shall not be included within the provisions of this Act when excluded by the laws of the United States relating to liability of employers to their employees for personal injuries where such laws are held to be exclusive.

§ 6. No common law or statutory right to recover damages for injury or death sustained by any employee while engaged in the line of his duty as such employee other than the compensation herein provided shall be available to any employee who is covered by the provisions of this Act, to any one wholly or partially dependent upon him, the legal representatives of his estate, or any one otherwise entitled to recover damages for such injury.

§ 7. The amount of compensation which shall be paid for an injury to the employee resulting in death shall be:

(a) If the employee leaves any widow, child or children whom he was under legal obligation to support at the time of his injury, a sum equal to four times the average annual earnings of the employee, but not less in any event than one thousand five hundred dollars and not more in any event than three thousand five hundred dollars. Any compensation payments other than necessary medical, surgical or hospital fees or services shall be deducted in ascertaining the amount payable on death.

(b) If no amount is payable under paragraph (a) of this section and the employee leaves any widow, child, parent, grandparent or other lineal heir, to whose support he had contributed within four years previous to the time of his injury, a sum equal to four times the average annual earnings of the employee, but not less in any event than one thousand five hundred dollars and not more in any event than three thousand five hundred dollars. Any compensation payments other than necessary medical, surgical or hospital fees or services shall be deducted in ascertaining the amount payable on death.

(c) If no amount is payable under paragraph (a) or (b) of this section and the employee leaves collateral heirs dependent at the time of the injury to the employee upon his earnings, such a percentage of the sum provided in paragraph (a) of this section as the average annual contributions which the deceased made to the support of such collateral dependent heirs during the two years preceding the injury bears to his earnings during such two years.

(d) If no amount is payable under paragraph (a) or (b) or (c) of this section, a sum not to exceed one hundred and fifty dollars for burial expenses.

(e) All compensation except for burial expenses, provided for in this section to be paid in case injury results in death, shall be paid in installments equal to one-half the average earnings, at the same intervals at which the wages or earnings of the employee were paid; or if this shall not be feasible, then the installments shall be paid weekly: *Provided*, such compensation may be paid in a lump sum upon petition as provided in section 9 of this Act.

(f) The compensation to be paid for injury which results in death, as provided in this section, shall be paid at the option of the employer either to the personal representative of the deceased employee or to his beneficiaries, and shall be distributed to the heirs who formed the basis for determining the amount of compensation to be paid by the employer, the distributees' shares to be in the proportion of their respective dependency at the time of the injury on the earnings of the deceased: *Provided*, that, in the judgment of the court appointing the personal representative, a child's distributive share may be paid to the parent for the support of the child. The payment of compensation by the employer to the personal representative of the deceased employee shall relieve him of all obligations as to the distribution of such compensation so paid. The distribution by the personal representative of the compensation paid to him by the employer shall be made pursuant to the order of the court appointing him.

§ 8. The amount of compensation which shall be paid to the employee for an injury not resulting in death shall be:

(a) The employer shall provide necessary first aid medical, surgical and hospital services; also medical, surgical and hospital services for a period not longer than eight weeks, not to exceed, however, the amount of \$200.00. The employee may elect to secure his own physician, surgeon or hospital services at his own expense.

(b) If the period of temporary total incapacity for work lasts for more than six working days, compensation equal to one-half the earnings, but not less than \$5.00 nor more than \$12.00 per week, beginning on the eighth day of such temporary total incapacity, and continuing as long as the temporary total incapacity lasts, but not after the amount of compensation paid equals the amount which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving as provided in said paragraph (a), section 7.

(c) For any serious and permanent disfigurement to the hands, head or face, the employee shall be entitled to compensation for such disfigurement, the amount to be fixed by agreement or by arbitration in accordance with the provisions of this Act, which amount shall not exceed one-quarter of the amount of the compensation which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving, as provided in said paragraph (a), section 7: *Provided*, that no compensation shall be payable under this paragraph where compensation is payable under paragraphs (d), (e) or (f) of this section.

(d) If, after the injury has been sustained, the employee as a result thereof becomes partially, though permanently incapacitated from pursuing his usual and customary line of employment, he shall, except in the cases covered by the specific schedule set forth in paragraph (e) of this section, receive compensation, subject to the limitations as to time and maximum amounts fixed in paragraphs (b) and (h) of this section, equal to one-half of the difference between the average amount which he earned before the accident, and the average amount which he is earning or is able to earn in some suitable employment or business after the accident. In the event the employee returns to the employment of the employer in whose service he was injured, the employee shall not be barred from asserting a claim for compensation under this Act: *Provided*, notice of such claim is filed with the Industrial Board within eighteen months after he returns to such employment, and the said board shall immediately send to the employer, by registered mail, a copy of such notice.

(e) For injuries in the following schedule, the employee shall receive in addition to compensation during the period of temporary total incapacity for work resulting from such injury, in accordance with the provisions of paragraphs (a) and (b) of this section, compensation, for a further period, subject to the limitations as to time and amounts fixed in paragraphs (b) and (h) of this section, for the specific loss herein mentioned, as follows, but shall not receive any compensation under any other provision of this Act:

For the loss of a thumb, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during sixty weeks;

For the loss of a first finger, commonly called the index finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during thirty-five weeks;

For the loss of a second finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during thirty weeks;

For the loss of a third finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during twenty weeks;

For the loss of a fourth finger, commonly called the little finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during fifteen weeks;

The loss of the first phalange of the thumb, or of any finger, shall be considered to be equal to the loss of one-half of such thumb, or finger, and compensation shall be one-half the amounts above specified;

The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: *Provided, however*, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

For the loss of a great toe, fifty per centum of the average weekly wage during thirty weeks;

For the loss of one or more of the toes other than the great toe, fifty per centum of the average weekly wage during ten weeks;

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified;

The loss of more than one phalange shall be considered as the loss of the entire toe;

For the loss of a hand, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during one hundred and fifty weeks;

For the loss of an arm, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during two hundred weeks;

For the loss of a foot, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during one hundred and twenty-five weeks;

For the loss of a leg, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during one hundred and seventy-five weeks;

For the loss of the sight of an eye, fifty per centum of the average weekly wage during one hundred weeks;

The loss of both hands or both arms, or both feet, or both legs, or both eyes, or of any two thereof, shall constitute total and permanent disability, to be compensated according to the compensation fixed by paragraph (f) of this section: *Provided*, that these specific cases of total and permanent disability shall not be construed as excluding other cases.

(f) In the case of complete disability which renders the employee wholly and permanently incapable of work, compensation equal to 50 per cent of his earnings, but not less than \$5.00, nor more than \$12.00 per week, commencing on the day after the injury and continuing until the amount paid equals the amount which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving, as provided in said paragraph (a), section 7, and thereafter a pension during life annually equal to 8 per cent of the amount which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving, as provided in said paragraph (a), section 7. Such pension shall not be less than \$10.00 per month and shall be payable monthly.

(g) In case death occurs as a result of the injury before the total of the payments made equals the amount payable as a death benefit, then in case the employee leaves any widow, child or children, parents, grandparents or other lineal heirs, entitled to compensation under section 7, the difference between the compensation for death and the sum of the payments made to the employee shall be paid at the option of the employer either to the personal representative or the beneficiaries of the deceased employee and distributed, as provided in paragraph (f) of section 7, but in no case shall the amount payable under this paragraph be less than \$500.00.

(h) In no event shall the compensation to be paid exceed fifty per centum of the average weekly wage or exceed twelve dollars per week in amount; nor, except in cases of complete disability as defined above, shall any payments extend over a period of more than eight years from the date of the accident. In case an injured employee shall be incompetent at the time when any right or privilege accrues to him under the provisions of this Act, a conservator or guardian may be appointed pursuant to law, and may, on behalf of such incompetent, claim and exercise any such right or privilege with the same force and effect as if the employee himself had been competent and had claimed or exercised said right or privilege; and no limitations of time by this Act provided shall run so long as said incompetent employee is without a conservator or guardian.

(i) All compensation provided for in paragraphs (b), (c), (d), (e) and (f) of this section, other than cases of pension for life, shall be paid in installments at the same intervals at which the wages or earnings of the employee were paid at the time of the injury, or if this shall not be feasible, then the installments shall be paid weekly.

§ 9. Any employer or employee or beneficiary, who shall desire to have such compensation, or any unpaid part thereof, paid in a lump sum, may petition the Industrial Board, asking that such compensation be so paid, and if upon proper notice to the interested parties and a proper showing made before such board, it appears to the best interest of the parties that such compensation be so paid, the board shall order the commutation of the compensation to an equivalent lump sum, which commutation shall be an amount which will equal the total sum of the

probable future payments capitalized at their present value upon the basis of interest calculated at three per centum per annum with annual rests: *Provided*, that in cases indicating complete disability no petition for a commutation to a lump sum basis shall be entertained by the Industrial Board until after the expiration of six months from the date of the injury, and where necessary, upon proper application being made, a guardian, conservator or administrator, as the case may be, may be appointed for any person under disability who may be entitled to any such compensation, and an employer bound by the terms of this Act, and liable to pay such compensation, may petition for the appointment of the public administrator, or a conservator, or guardian where no legal representative has been appointed or is acting for such party or parties so under disability: *Provided, further*, that if the amount awarded as a lump sum settlement is not satisfactory to either party, such party may reject the same within ten days after notice of the award by filing his written rejection thereof with the said board in which event compensation shall be payable in installments as herein provided.

§ 10. The basis for computing the compensation provided for in sections 7 and 8 of the Act shall be as follows:

(a) The compensation shall be computed on the basis of the annual earnings which the injured person received as salary, wages or earnings if in the employment of the same employer continuously during the year next preceding the injury.

(b) Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the employee was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause.

(c) If the injured person has not been engaged in the employment of the same employer for the full year immediately preceding the accident, the compensation shall be computed according to the annual earnings which persons of the same class in the same employment and same location, (or if that be impracticable, of neighboring employments of the same kind) have earned during such period.

(d) As to employees in employments in which it is the custom to operate throughout the working days of the year, the annual earnings, if not otherwise determinable, shall be regarded as 300 times the average daily earnings in such computation.

(e) As to employees in employments in which it is the custom to operate for a part of the whole number of working days in each year, such number, if the annual earnings are not otherwise determinable, shall be used instead of 300 as a basis for computing the annual earnings: *Provided*, the minimum number of days which shall be so used for the basis of the year's work shall be not less than 200.

(f) In the case of injured employees who earn either no wage or less than the earnings of adult day laborers in the same line of employment in that locality, the yearly wage shall be reckoned according to the average annual earning of adults of the same class in the same (or if that is impracticable then of neighboring) employments.

(g) Earnings, for the purpose of this section, shall be based on the earnings for the number of hours commonly regarded as a day's work for that employment, and shall exclude overtime earnings. The earnings shall not include any sum which the employer has been accustomed to pay the employee to cover any special expense entailed on him by the nature of his employment.

(h) In computing the compensation to be paid to any employee, who, before the accident for which he claims compensation, was disabled and drawing compensation under the terms of this Act, the compensation for each subsequent injury shall be apportioned according to the proportion of incapacity and disability caused by the respective injuries which he may have suffered.

(i) To determine the amount of compensation for each installment period, the amount per annum shall be ascertained pursuant hereto, and such amount divided by the number of installment periods per annum.

§ 11. The compensation herein provided, together with the provisions of this Act, shall be the measure of the responsibility which the employer has assumed for injuries or death that may occur to employees in his employment subject to the provisions of this Act.

§ 12. An employee entitled to receive disability payments shall be required, if requested by the employer, to submit himself at the expense of the employer for examination to a duly qualified medical practitioner or surgeon selected by the employer, at a time and place reasonably convenient for the employee, as soon as practicable after the injury, and also one week after the first examination, and thereafter at intervals not oftener than once every four weeks, which examination shall be for the purpose of determining the nature, extent and probable duration of the injury received by the employee, and for the purpose of ascertaining the amount of compensation which may be due the employee from time to time for disability according to the provisions of this Act: *Provided, however,* that such examination shall be made in the presence of a duly qualified medical practitioner or surgeon provided and paid for by the employee if such employee so desires. If the employee refuses so to submit himself to examination or unnecessarily obstructs the same, his right to compensation payments shall be temporarily suspended until such examination shall have taken place, and no compensation shall be payable under this Act for such period.

§ 13. There is hereby created a board which shall be known as the Industrial Board, to consist of three members to be appointed by the Governor, by and with the consent of the Senate, one of whom shall be a representative citizen of the employing class operating under this Act, and one of whom shall be a representative citizen chosen from among the employees operating under this Act, and one of whom shall be a representative citizen not identified with either the employing or employee classes, and who shall be designated by the Governor as chairman. Appointment of members to places on the first board, or to fill vacancies on said board may be made during recesses of the Senate, but shall be subject to confirmation by the Senate at the next ensuing session of the Legislature. The term of office of members of this board shall be six years, except that when first constituted one member shall be appointed

for two years, one for four years, and one for six years. Thereafter one member shall be appointed every second year for the full term of six years. Not more than two members of the board shall belong to the same political party.

§ 14. The salary of each of the members of the board so appointed by the Governor shall be four thousand dollars per year. The board shall appoint a secretary and shall employ such assistants and clerical help as may be necessary. The board shall provide itself with a seal for the authentication of its orders, awards, and proceedings, upon which shall be inscribed the words, "Industrial Board—Illinois—Seal."

§ 15. The Industrial Board shall have jurisdiction over the operation and administration of this Act, and said board shall perform all the duties imposed upon it by this Act, and such further duties as may hereafter be imposed by law and the rules of the board not inconsistent therewith.

§ 16. The board may make rules and orders for carrying out the duties imposed upon it by law, which rules and orders shall be deemed *prima facie* reasonable and valid; and the process and procedure before the board shall be as simple and summary as reasonably may be. The board or any member thereof shall have the power to administer oaths, subpoena and examine witnesses, and to examine and inspect such books, papers and records, places or premises as may relate to questions in dispute.

§ 17. The board shall cause to be printed and furnish free of charge upon request by any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this Act, and the performance of the duties of the board; it shall provide a proper record in which shall be entered and indexed the name of any employer who shall file a notice of declination or withdrawal under this Act, and the date of the filing thereof; and a proper record in which shall be entered and indexed the name of any employee who shall file such a notice of declination or withdrawal, and the date of the filing thereof; and such other notices as may be required by the terms and intentment of this Act; and records in which shall be recorded all proceedings, orders and awards had or made by the board, or by the arbitration committees, and such other books or records as it shall deem necessary, all such records to be kept in the office of the board.

§ 18. All questions arising under this Act, if not settled by agreement of the parties interested therein, shall, except as otherwise provided, be determined by the Industrial Board.

§ 19. Any disputed questions of law or fact upon which the employer and employee or personal representative cannot agree, shall be determined as herein provided.

(a) It shall be the duty of the Industrial Board, upon notification that the parties have failed to reach an agreement, to notify both parties to appoint their respective representatives on a committee of arbitration. The board shall designate one of its members or an agent appointed by it and at its expense to act as chairman, and if either party fails to appoint its member on the committee within seven days after notification as

above provided, the board shall appoint a person to fill the vacancy and notify the parties to that effect, and the reasonable expenses of the person so appointed to fill the vacancy shall, after approval by the board, be taxed as costs against the party who failed to appoint its member on such committee.

(b) The committee of arbitration shall make such inquiries and investigations as it shall deem necessary, and may examine and inspect all books, papers, records, places or premises relating to the questions in dispute. The hearings of the committee shall be held in the vicinity where the injury occurred, after ten days' notice of the time and place of such hearing shall have been given to each of the parties, and the decision of the committee shall be filed with the Industrial Board, which board shall immediately send to each party a copy of such decision, together with a notification of the time when it was filed, and unless a petition for a review is filed with the board by either party within fifteen days after the receipt by said party of the copy of such decision and notification of time when filed, and unless such party petitioning for review shall, within twenty days of the filing of such decision, file with the board either an agreed statement of the facts appearing upon the hearing before the committee of arbitration, or, if such party shall so elect, a correct stenographic report of the proceedings at such hearing, then the decision shall be entered of record as the decision of the Industrial Board: *Provided*, that such Industrial Board may, for sufficient cause shown, grant further time in which to petition for such review or to file such agreed statement or stenographic report. An agreed statement of facts or correct stenographic report, as the case may be, shall be authenticated by the signatures of the parties or their attorneys and in the event they do not agree as to the correctness of the stenographic report it shall be authenticated by the signature of the chairman of the committee of arbitration.

(c) The Industrial Board may appoint, at its expense, a duly qualified, impartial physician, to examine the injured employee and report to the board. The fee for this service shall not exceed five dollars and traveling expenses, but the board may allow additional reasonable amounts in extraordinary cases. The fees and the payment thereof of all attorneys and physicians for services authorized by the board under this Act, shall, upon request of either the employer or the employee or the beneficiary affected, be subject to the review and decision of the Industrial Board.

(d) If any employee shall persist in insanitary or injurious practices which tend to either imperil or retard his recovery or shall refuse to submit to such medical or surgical treatment as is reasonably essential to promote his recovery, the board may, in its discretion, reduce or suspend the compensation of any such injured employee.

(e) If a petition for review, and agreed statement of facts or stenographic report is filed, as provided herein, the Industrial Board shall promptly review the decision of the committee of arbitration and the facts as they appear from the said statement of facts or stenographic report, and shall also, if desired, hear the parties, together with such

additional evidence as they may wish to submit. After such hearing upon review, the board shall announce and file in its office its decision thereon and shall immediately send to each party a copy of such decision, together with a notification of the time when it was filed. Such review and hearing may be held in its office, or elsewhere, as the board shall deem advisable. Any party may, within twenty days of the receipt by it of notice of the board's decision or within such further time as the board may grant, file with the board either an agreed statement of the facts appearing upon the hearing, or, if such party shall so elect, a correct stenographic report of the proceedings at the hearing, such statement of facts or stenographic report to be authenticated by the signatures of the parties or their attorneys, and in the event they do not agree then the authentication shall be by the signature of the chairman of the board. The statement of facts or stenographic report of the proceedings on the hearings before either the committee of arbitration or the Industrial Board shall, upon filing as hereinbefore provided, become part of the record of the proceedings of said board.

(f) The decision of the Industrial Board, acting within its powers, according to the provisions of paragraph (e) of this section, and of the committee of arbitration, where no review is had and its decision becomes the decision of the Industrial Board in accordance with the provisions of this section, shall, in the absence of fraud, be conclusive, but the Supreme Court shall have power to review questions of law involved in any such decision: *Provided*, that application is made by the aggrieved party within thirty days after notice given to him of such decision or within thirty days after the expiration of the time allowed for filing the agreed statement of facts or stenographic report with said board, by *certiorari*, *mandamus* or by any other method permissible under the rules and practices of said court or the laws of this State.

The decision of any two members of a committee of arbitration, or of the Industrial Board, shall be considered the decision of such committee or board, respectively.

(g) Either party may present a certified copy of the decision of the Industrial Board, when no proceedings for review thereof have been taken, or of the decision of such committee of arbitration when no claim for review is made, or of the decision of the Industrial Board after hearing upon review, providing for the payment of compensation according to this Act, to the circuit court of the county in which such accident occurred, whereupon such court shall render a judgment in accordance therewith; and in cases where the employer does not institute proceedings for review of the decision of the Industrial Board and refuses to pay compensation according to the award upon which such judgment is entered, the court shall, in entering judgment thereon, tax as costs against him the reasonable costs and attorney fees in the arbitration proceedings and in the court entering the judgment, for the person in whose favor the judgment is entered; which judgment, and costs, taxed as herein provided, shall, until and unless set aside, have the same effect as though duly rendered in an action duly tried and determined by said court, and shall, with like effect, be entered and docketed. The circuit

court shall have power at any time, upon application, to make any such judgment conform to any modification required by any subsequent decision of the Supreme Court upon appeal, or as the result of any subsequent proceedings for review as provided in this Act.

Judgment shall not be entered until fifteen days' notice of the time and place of the application for the entry of judgment shall be served upon the employer by filing such notice with the Industrial Board; which board shall, in case it has on file the address of the employer or the name and address of its agent upon whom notices may be served, immediately send a copy of the notice to the employer or such designated agent; and no judgment shall be entered in the event the employer shall file with the said board its bond with good and sufficient surety in double the amount of the award, conditioned upon the payment of said award in the event the said employer shall fail to prosecute with effect proceedings for review of the decision or the said decision upon review shall be affirmed.

(h) An agreement or award under this Act, providing for compensation in installments, may at any time within eighteen months after such agreement or award, be reviewed by the Industrial Board at the request of either the employer or the employee on the ground that the disability of the employee has subsequently recurred, increased, diminished or ended; and on such review compensation payments may be reestablished, increased, diminished, or ended: *Provided*, that the board shall give fifteen days' notice to the parties of the hearing for review: *And, provided, further*, any employee, upon any petition for such a review being filed by the employer, shall be entitled to one day's notice for each one hundred miles necessary to be traveled by him in attending the hearings of the board upon said petition, and three days in addition thereto, and such employee shall, at the discretion of the board, also be entitled to five cents per mile necessarily traveled by him in attending such hearing, not to exceed a distance of 300 miles, to be taxed by the board as costs and deposited with the petition of the employer.

(i) Each party, upon taking any proceedings or steps whatsoever, before any committee of arbitration, industrial board or court, shall file with the Industrial Board his address or the name and address of an agent upon whom all notices to be given to such party shall be served either personally or by registered mail addressed to such party or agent at the last address so filed with the Industrial Board: *Provided*, that in the event such party has not filed his address or the name and address of an agent as above provided, service of any notice may be had by filing such notice with the Industrial Board.

§ 20. The Industrial Board shall report in writing to the Governor on the 30th day of June, annually, the details and results of its administration of this Act, in accordance with the terms of this Act, and may prepare and issue such special bulletins and reports from time to time as in the opinion of the board, seems advisable.

§ 21. No payment, claim, award or decision under this Act shall be assignable or subject to any lien, attachment or garnishment, or be held liable in any way for any lien, debt, penalty or damages. In case

of insolvency of the employer, every decision of the Industrial Board for compensation under this Act shall, upon the filing of a certified copy of the decision with the recorder of deeds of a county, constitute a lien upon all property of the employer within said county, paramount to all other claims, or liens except for wages and taxes, and mortgages or trust deeds, and such liens shall be enforced by order of the court. Any right to receive compensation hereunder shall be extinguished by the death of the person or persons entitled thereto, subject to the provisions of this Act relative to compensation for death received in the course of employment.

§ 22. Any contract or agreement made by any employer or his agent or attorney with any employee or any other beneficiary of any claim under the provisions of this Act within seven days after the injury shall be presumed to be fraudulent.

§ 23. No employee, personal representative, or beneficiary shall have power to waive any of the provisions of this Act in regard to the amount of compensation which may be payable to such employee, personal representative or beneficiary hereunder except after approval by the Industrial Board.

§ 24. No proceedings for compensation under this Act shall be maintained unless notice of the accident has been given the employer as soon as practicable, but not later than 30 days after the accident. In cases of mental incapacity of the employee, notice must be given within six months after such accident. No defect or inaccuracy of such notice shall be a bar to the maintenance of proceedings by arbitration or otherwise by the employee, unless the employer proves that he is unduly prejudiced in such proceedings by such defect or inaccuracy. Notice of the accident shall in substance apprise the employer of the claim of compensation made and shall state the name and address of the employee injured, the approximate date and place of the accident, if known, and in simple language the cause thereof; which notice may be served personally or by registered mail, addressed to the employer at his last known residence or place of business: *Provided*, that the failure on the part of any person entitled to such compensation to give such notice shall not relieve the employer from his liability for such compensation, when the facts and circumstances of such accident are known to such employer, his agent or vice principal in the enterprise. No proceedings for compensation under this Act shall be maintained unless claim for compensation has been made within six months after the accident, or in the event that payments have been made under the provisions of this Act, unless written claim for compensation has been made within six months after such payments have ceased.

§ 25. Any employer against whom liability may exist for compensation under this Act, may, with the approval of the Industrial Board, be relieved therefrom by:

(a) Depositing the commuted value of the total unpaid compensation for which such liability exists, computed at three per centum per annum in the same manner as provided in section 9, with the State Treasurer, or county treasurer in the county where the accident happened, or with any State or National bank or trust company doing

business in this State, or in some other suitable depository approved by the Industrial Board: *Provided*, that any such depository to which such compensation may be paid shall pay the same out in installments as in this Act provided, unless such sum is ordered paid in, and is commuted to, a lump sum payment in accordance with the provisions of this Act.

(b) By the purchase of an annuity, in an amount of compensation due or computed, under this Act within the limitation provided by law, in any insurance company granting annuities and licensed or permitted to do business in this State, which may be designated by the employer, or the Industrial Board.

§ 26. (a) An employer who elects to provide and pay the compensation provided for in this Act shall within ten (10) days of receipt by the employer of a written demand by the Industrial Board (1) file with the board a sworn statement showing his financial ability to pay the compensation provided for in this Act, normally required to be paid, or (2) furnish security, indemnity or a bond guaranteeing the payment by the employer of the compensation provided for in this Act, normally required to be paid, or (3) insure to a reasonable amount his normal liability to pay such compensation in some corporation, association or organization authorized, licensed or permitted to do such insurance business in this State, or (4) make some other provisions for the securing of the payment of compensation provided for in this Act, normally required to be paid, and shall within twenty (20) days of the receipt of such written demand furnish to the board evidence of his compliance with one of the above alternatives: *Provided*, that the sworn statement of financial ability, or security, indemnity or bond, or amount of insurance or other provision, filed, furnished, carried or made by the employer, as the case may be, shall be subject to the approval of the board, upon the approval of which the board shall send to the employer written notice of its approval thereof: *And, provided, further*, that demand shall not be made upon the employer by the board oftener than once in any calendar year.

(b) If no sworn statement or no security, indemnity or bond, or no insurance, is filed, furnished or carried, or other provisions made by the employer within ten (10) days of receipt by the employer of the written demand provided for in paragraph (a), or if the statement, security, indemnity, bond or amount of insurance filed, furnished or carried, or other provision made by the employer, as provided in paragraph (a), shall not be approved by the board, and written notice of such non-approval shall be given to the employer and the employer shall not comply with one of the alternatives of paragraph (a) of this section within ten (10) days after the receipt by the employer of such written notice of non-approval, then the employer shall be liable for compensation to any injured employee or his personal representative, according to the terms of this Act, or for damages in the same manner as if the employer had elected not to accept this Act, at the option of such employee or his personal representative: *Provided*, such option is exercised and written notice thereof is given to the employer within thirty (30) days

after the accident to such employee, otherwise the employer shall be liable only for the compensation payable according to the provisions of this Act: *And, provided, further*, that if at any time thereafter the employer shall comply with any of the alternatives of paragraph (a), then as to all accidents occurring after the said compliance, the employer shall only be liable for compensation according to the terms of this Act.

(c) "Normal liability" and "normally required to be paid," whenever used herein, shall be measured by the experience, if any, of the said employer during the two years preceding the demand by the board, and if there is no such individual basis of experience, then by the general experience in the same industry, business, occupation or enterprise in the same neighborhood during the same period.

Sec. 27. (a) This Act shall not affect or disturb the continuance of any existing insurance, mutual aid, benefit, or relief association or department, whether maintained in whole or in part by the employer or whether maintained by the employees, the payment of benefits of such association or department being guaranteed by the employer or by some person, firm or corporation for him: *Provided*, the employer contributes to such association or department an amount not less than the full compensation herein provided, exclusive of the cost of the maintenance of such association or department and without any expense to the employee. This Act shall not prevent the organization and maintaining under the insurance laws of this State of any benefit or insurance company for the purpose of insuring against the compensation provided for in this Act, the expense of which is maintained by the employer. This Act shall not prevent the organization or maintaining under the insurance laws of this State of any voluntary mutual aid, benefit or relief association among employees for the payment of additional accident or sick benefits.

(b) No existing insurance, mutual aid, benefit or relief association or department shall, by reason of anything herein contained be authorized to discontinue its operation without first discharging its obligations to any and all persons carrying insurance in the same or entitled to relief or benefits therein.

(c) Any contract, oral, written or implied, of employment providing for relief benefit, or insurance or any other device whereby the employee is required to pay any premium or premiums for insurance against the compensation provided for in this Act shall be null and void, and any employer withholding from the wages of any employee any amount for the purpose of paying any such premium shall be guilty of a misdemeanor and punishable by a fine of not less than ten dollars nor more than one thousand dollars, or imprisonment in the county jail for not more than six months, or both, in the discretion of the court.

§ 28. Any person, who shall become entitled to compensation under the provisions of this Act, shall, in the event of his inability to recover such compensation from the employer on account of his insolvency, be subrogated to all the rights of such employer against any insurance com-

pany, association or insurer which may have insured such employer against loss growing out of the compensation required by the provisions of this Act to be paid by such employer, and, in such event only, the said insurance company, association, or insurer shall become primarily liable to pay to the employee or his personal representative the compensation required by the provisions of this Act to be paid by such employer.

§ 29. Where an injury or death for which compensation is payable by the employer under this Act was not proximately caused by the negligence of the employer or his employees, and was caused under circumstances creating a legal liability for damages in some person other than the employer to pay damages, such other person having also elected to be bound by this Act, then the right of the employee or personal representative to recover against such other person shall be subrogated to his employer and such employer may bring legal proceedings against such other person to recover the damages sustained, in an amount not exceeding the aggregate amount of compensation payable under this Act, by reason of the injury or death of such employee. Where the injury or death for which compensation is payable under this Act was not proximately caused by the negligence of the employer or his employees and was caused under circumstances creating a legal liability for damages on the part of some person other than the employer to pay damages, such other person having elected not to be bound by this Act, then legal proceedings may be taken against such other person to recover damages notwithstanding such employer's payment of or liability to pay compensation under this Act, but in such case if the action against such other person is brought by the injured employee or his personal representative and judgment is obtained and paid, or settlement is made with such other person, either with or without suit, then from the amount received by such employee or personal representative there shall be paid to the employer the amount of compensation paid or to be paid by him to such employee or personal representative: *Provided*, that if the injured employee or his personal representative shall agree to receive compensation from the employer or to institute proceedings to recover the same or accept from the employer any payment on account of such compensation, such employer shall be subrogated to all the rights of such employee or personal representative and may maintain, or in case an action has already been instituted, may continue an action either in the name of the employee or personal representative or in his own name against such other person for a recovery of damages to which but for this section the said employee or personal representative would be entitled, but such employer shall nevertheless pay over to the injured employee or personal representative all sums collected from such other person by judgment or otherwise in excess of the amount of such compensation paid or to be paid under this Act and all costs, attorneys' fees and reasonable expenses incurred by such employer in making such collection and enforcing such liability.

§ 30. It shall be the duty of every employer within the provisions of this Act to send to the Industrial Board in writing an immediate report of all accidental injuries arising out of or in the course of the employ-

ment and resulting in death; it shall also be the duty of every such employer to report between the 15th and the 25th of each month to the Industrial Board all accidental injuries for which compensation has been paid under this Act, which injuries entail a loss to the employee of more than one week's time, and in case the injury results in permanent disability, a further report shall be made as soon as it is determined that such permanent disability has resulted or will result from such injury. All reports shall state the date of the injury, including the time of day or night, the nature of the employer's business, the name, address, the age, sex, conjugal condition of the injured person, the specific occupation of the injured person, the direct cause of the injury and the nature of the accident, the character of the injury, the length of disability, and, in case of death, the length of disability before death, the wages of the injured person, whether compensation has been paid to the injured person, or to his legal representatives or his heirs or next of kin, the amount of compensation paid, the amount paid for physicians', surgeons' and hospital bills, and by whom paid, and the amount paid for funeral or burial expenses, if known. The making of reports as provided herein shall release the employer covered by the provisions of this Act from making such reports to any other officer of the State.

§ 31. Any person, firm or corporation, who undertakes to do or contracts with others to do, or have done for him, them or it, any work enumerated as extra-hazardous in paragraph (b), section 3, requiring employment of employees in, on or about the premises where he, they or it, as principal or principals, contract to do such work, or any part thereof, and does not require of the person, firm or corporation undertaking to do such work for said principal or principals, that such person, firm or corporation undertaking to do such work shall insure his, their or its liability to pay the compensation provided in this Act to his, their or its employees and any such person, firm or corporation who creates or carries into operation any fraudulent scheme, artifice or device to enable him, them or it to execute such work without such person, firm or corporation being responsible to the employee, his personal representative or beneficiary entitled to such compensation under the provisions of this Act, such person, firm or corporation shall be included in the term "employer" and with the immediate employer shall be jointly and severally liable to pay the compensation herein provided for and be subject to all the provisions of this Act.

§ 32. No right of action for damages, at common law or under any other statute, existing at the time of the taking effect of this Act, shall be affected by this Act.

If the provisions of this Act relating to compensation for injuries to or death of employees shall be repealed or adjudged invalid or unconstitutional, the period intervening between the occurrence of an injury or death and such repeal or final adjudication of invalidity, shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death, but the amount of any compensation which may have been paid for any such injury shall be deducted from any judgment for damages recovered on account of such

injury. Any claim, disagreement or controversy existing or arising under "An Act to promote the general welfare of the People of this State, by providing compensation for accidental injuries or death suffered in the course of employment," approved June 10, 1911, in force May 1, 1912, shall be adjusted in accordance with the provisions of said Act notwithstanding the repeal thereof, or may, by agreement of the parties, be adjusted in accordance with the method of procedure provided in this Act for the adjustment of differences, jurisdiction to adjust such differences so submitted by the parties being hereby conferred upon the Industrial Board or committee of arbitration provided for in this Act.

§ 33. Any wilful neglect, refusal, or failure to do the things required to be done by any section, clause, or provision of this Act, on the part of the persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any court officer, or any other person charged with the duty of administering or enforcing the provisions of this Act, shall be deemed a misdemeanor, punishable by a fine of not less than \$10.00 nor more than \$500.00 at the discretion of the court.

§ 34. The invalidity of any portion of this Act shall in no way affect the validity of any other portion thereof which can be given effect without such invalid part.

§ 35. That an Act to promote the general welfare of the State of Illinois by providing compensation for accidental injuries or death suffered in the course of employment, approved June 10, 1911, in force May 1, 1912, be, and the same is, hereby repealed.

APPROVED June 28, 1913.

MASON CONTRACTORS AND EMPLOYING MASONS IN CITIES OF 150,000 OR OVER—BUILDING REGULATIONS.

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| § 1. Annual license. | § 5. Rules and regulations concerning mason work—permit from building department. |
| § 2. Examination required. | § 6. Applicant to apply to nearest board. |
| § 3. Board of examiners—appointment—membership—pay. | § 7. Penalty for violation. |
| § 4. Examination of applicants—certificates—fees—renewals. | |

(HOUSE BILL NO. 148. APPROVED JUNE 30, 1913.)

AN ACT to provide for the licensing of mason contractors and employing masons and to regulate the safe and proper construction of buildings.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities of this State of 150,000 inhabitants or over, every mason contractor or employing mason shall be required to obtain an annual license therefor, in the manner following:

§ 2. Every person desiring to engage in the business of mason contractor or employing mason shall make application to a board of examiners, hereinafter provided for, and shall, at such time and place as said

board may designate, be compelled to pass such examination as to his qualifications as said board may direct; said examination may be made in whole or in part in writing and shall be of a practical and elementary character but sufficiently strict to test his qualifications.

§ 3. In every city of 150,000 inhabitants or over, there shall be a board of examiners of mason contractors or employing masons, consisting of three members, one of which shall be the building commissioner, who shall be *ex officio* chairman of said board of examiners, one shall be a practical architect and one shall be a practical mason, who shall be appointed by the mayor and approved by the city council within three months after the passage of this Act, for the term of one (1) year from the first day of May in the year of appointment and thereafter annually before the first day of May, and shall be paid from the treasury of said city such sum as the officers may designate.

§ 4. Said board of examiners shall, as soon as may be convenient after appointment, meet and shall then designate the times and places for the examination of all applicants desiring to engage in or work at the business of mason contracting or employing masons within their respective jurisdiction; said board shall examine said applicants as to their practical knowledge of masonry and mason construction and all matters pertaining to mason construction and, if satisfied of the competency of such applicants, shall thereupon issue a certificate to such applicant, authorizing him to engage in the business of mason contracting or employing masons; the license or certificate fee for such mason contractor or employing mason shall be fixed by the common council of such cities; said certificate shall be valid and have force throughout the State for a period of one (1) year from date of issuance and may be renewed upon its expiration by paying in advance an annual renewal fee to be filed by the common council of such cities for the certificate to master or employing masons or mason contractor; all fees received for said license or certificate shall be paid into the treasury of the city where such certificates are issued: *Provided*, that wherever a firm or corporation consists of more than one master or employing mason, that it shall not be necessary for more than one member of said firm or corporation to procure a license certificate.

§ 5. Each city shall, by ordinance or by law, within three months of the passage of this Act, prescribe rules and regulations for the materials, construction, alteration and inspection of all mason work placed in or upon or in connection with any building in said city; and the building department shall provide that no mason work shall be done upon any building without a permit being first issued therefor upon such terms and conditions as such city shall prescribe.

§ 6. All persons who are required by this Act to take examination and procure a certificate as required by this Act shall apply to the board in the city where he resides or to the board nearest his place of residence.

§ 7. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than

five dollars (\$5.00) nor exceeding fifty dollars (\$50.00) for each and every violation thereof, and his certificate may be revoked by the proper authorities in said city.

APPROVED June 30, 1913.

WAGES AND SALARIES—SEMI-MONTHLY PAYMENT BY CORPORATIONS
FOR PECUNIARY PROFIT.

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| § 1. Payment semi-monthly—absent or discharged employee—no exemption by special contract—employee's right of action. | § 2. Penalty for violation. |
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(SENATE BILL NO. 133. APPROVED JUNE 21, 1913.)

AN ACT *in relation to the semi-monthly payment of wages and salaries by corporations for pecuniary profit, and providing penalty for violation of same.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every corporation for pecuniary profit engaged in any enterprise or business within the State of Illinois, shall as often as semi-monthly pay to every employee engaged in its business all wages or salaries earned by such employee to a day not more than eighteen (18) days prior to the date of such payment. Any employee who is absent at the time fixed for payment, or who for any other reason is not paid at that time, shall be paid thereafter at any time upon six days' demand, and any employee leaving his or her employment or discharged therefrom, shall be paid in full following his or her dismissal or voluntary leaving his or her employment, at any time upon three days' demand. No corporation coming within the meaning of this Act, shall by special contract with employees or by any other means secure exemption from the provision of this Act. And each and every employee of any corporation coming within the meaning of this Act shall have his or her right of action against any such corporation for the full amount of his or her wages due on each regular pay day as herein provided in any court of competent jurisdiction of this State.

§ 2. Any corporation coming within the meaning of this Act violating section one (1) of this Act, shall be deemed guilty of a misdemeanor and fined in a sum not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) for each separate offense and each and every failure or refusal to pay each employee the amount of wages due him or her at the time, or under the conditions required in section 1 of this Act, shall constitute a separate offense.

APPROVED June 21, 1913.

WASH ROOMS IN CERTAIN EMPLOYMENTS.

§ 1. To what Act applies.

§ 2. Arrangement, number and how provided.

§ 3. Inspection by proper authorities.

§ 4. Penalty for violation.

§ 5. Succeeding offenses.

(HOUSE BILL NO. 348. APPROVED JUNE 26, 1913.)

AN ACT *to provide for wash rooms in certain employments to protect the health of employees and secure public comfort.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every owner or operator of a coal mine, steel mill, foundry, machine shop, or other like business in which employees become covered with grease, smoke, dust, grime and perspiration to such extent that to remain in such condition after leaving their work without washing and cleansing their bodies and changing their clothing, will endanger their health or make their condition offensive to the public, shall provide and maintain a suitable and sanitary wash room at a convenient place in or adjacent to such mine, mill, foundry, shop or other place of employment for the use of such employees.

§ 2. Such wash room shall be so arranged that employees may change their clothing therein, and shall be sufficient for the number of employees engaged regularly in such employment; shall be provided with lockers in which employees may keep their clothing; shall be provided with hot and cold water and with sufficient and suitable places and means for using the same; and during cold weather, shall be sufficiently heated.

§ 3. It shall be the duty of the State and county mine inspectors, factory inspectors and other inspectors required to inspect places and kinds of business required by this Act to be provided with wash rooms, to inspect such wash rooms and report to the owner or operator, the sanitary and physical condition thereof in writing, and make recommendations as to such improvements or changes as may appear to be necessary for compliance with the provisions of this Act.

§ 4. Any owner or employer who shall fail or refuse to comply with the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred dollars.

§ 5. Any owner or employer who shall be convicted of a violation of the provisions of this Act shall be subject to a conviction for succeeding offenses for each and every day he shall neglect or refuse to comply herewith.

APPROVED June 26, 1913.

FEES AND SALARIES.

STATE'S ATTORNEYS—COLLECTION AND DISPOSITION OF FEES.

§ 1. Amends title and sections 3 and 4, Act of 1912.

§ 3 [4]. Report at each term of circuit court.

§ 2 [3]. As amended, provides for collection of all fees, fines, forfeitures and penalties by state's attorney and paid into county treasury as special fund, etc.

§ 4 [2]. Title amended.

(SENATE BILL No. 616. APPROVED JUNE 27, 1913.)

AN ACT to amend sections three and four of an Act entitled, "*An Act fixing and providing for the payment of salaries of state's attorneys and their assistants, defining their duties, providing for the appointment of assistants and to provide for the collection and disposition of the fees provided by law to be paid to the state's attorney, and to repeal all Acts in conflict herewith,*" approved June 11, 1912, in force July 1, 1912, and to amend the title of said Act.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 3 and 4 of an Act entitled, "*An Act fixing and providing for the payment of the salaries of state's attorneys and their assistants and to provide for the collection and disposition of the fees provided by law to be paid to the state's attorney and to repeal all Acts in conflict therewith,*" approved June 11, 1912, in force July 1, 1912, and the title of said Act, be and the same are hereby amended so as to read as follows:

§ 2. [§ 3.] The salaries of the state's attorneys, excepting that part which is to be paid out of the State treasury as now provided for by law, shall be paid out of the county treasury of the county in which the state's attorney shall reside, in quarterly annual installments on the order of the county board on the treasurer of said county: *Provided*, that the fees which are now, or may hereafter, be provided by law to be paid by the defendant or defendants, as state's attorney's fees, shall be taxed as costs and all fees, fines, forfeitures and penalties shall be collected be [by] the state's attorney, and shall be paid by him direct into the county treasury. Which said fund shall be held as a special fund to be paid out and distributed as follows: Out of said fund the salaries of the state [state's] attorney and all assistant state's attorneys shall be paid, or so much thereof as said fund will meet, the balance of said salaries, if any, to be paid by said county as herein otherwise provided: *And, further, provided*, that on July 1st of each year, the county treasurer shall, if there remain in said fund after paying said salaries then due and lawful employees of said state's attorney's office and other legal expenses, of said state's attorney's office, and retaining a sum sufficient to pay one quarterly payment of said salaries, and balance, pay over said balance to the county superintendent of schools of said county to be by him turned into and to become a part of the distributable school

fund of said county, to be by said county superintendent distributed as now provided by law in relation to said distributable school fund. The county treasurer shall receipt therefor.

§ 3. [§ 4.] It is hereby made the duty of all state's attorneys to report at each term of the circuit court, the payment and collection of all fees, fines, forfeitures and penalties and to satisfy the court by voucher or otherwise, that all fees, fines, forfeitures and penalties by them collected, have been duly paid over to the county treasurer, as required by section 2 of this Act, and the state's attorney shall have no further interest in conviction fees, fines, forfeitures and penalties or moneys collected by virtue of such office.

§ 4. [§ 2.] The title of this Act shall be amended to read as follows: "An Act fixing and providing for the payment of the salaries of state's attorneys and their assistants, defining their duties, providing for the appointment of assistants and to provide for the collection and disposition of fees, fines, forfeitures and penalties provided by law, to be paid to the state's attorney, and to repeal all Acts in conflict herewith."

APPROVED June 27, 1913.

TOWN OFFICERS—ASSESSOR'S COMPENSATION.

§ 1. Amends section 36, Act of 1872.

§ 36. As amended, pay of town assessor fixed by board of town auditors.

(HOUSE BILL NO. 729. APPROVED JUNE 26, 1913.)

AN ACT to amend and revise section 36 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State, with reference thereto," approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874, and as amended by Act approved May 24, 1911, in force July 1, 1911.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section 36 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874, and as amended, be amended and revised so as to read as follows: and as amended by Act approved May 24, 1911, in force July 1, 1911:

§ 36. The following named town officers shall be entitled to compensation at the following rates, for each day necessarily devoted by them to the services of the town, in the duties of their respective offices:

The town clerk, supervisor and overseer of the poor, shall receive for their services three dollars per day, when attending to town business out of town, and two dollars and fifty cents for town business in their towns. This additional pay per diem to include the supervisors and assistant supervisors who are residents of the county seat while the board of supervisors are in regular session, or engaged in regular com-

mittee work: *Provided*, that the supervisors when attending to their duties as overseers of the poor, shall be regarded as town officers, and their compensation for services as such overseers of the poor shall be fixed by the town board of auditors and be paid out of the town fund, and a tax levy be made to cover same at the annual town meeting. The compensation of the overseer of the poor to be fixed at the annual meeting in March each year: *And, provided, further*, that the town clerk shall receive fees, and not a per diem for the following services:

For serving notices of election upon town officers, as required by law, twenty-five cents each.

For filing any paper required by law to be filed in his office, ten cents each.

For posting up notices required by law, twenty-five cents each.

For recording any order or instrument of writing authorized by law, eight cents for each one hundred words.

For copying any record in his office, and certifying to same, eight cents for every one hundred words, to be paid by the person applying for the same.

For copying by-laws for posting or publication, eight cents for each one hundred words, to be paid by the town.

The town assessor shall receive for his services as assessor, such sum and amount as may be provided for by the board of town auditors: *Provided*, that in towns of fifty thousand inhabitants and upwards, in counties of the third class, the assessor shall receive five dollars per day.

The pound master shall be allowed the following fees for his services, to wit:

For taking into the pound and discharging therefrom horses, asses, mules and meat cattle, ten cents each; sheep or lambs, three cents each; and swine, large or small, five cents each.

He may also be allowed to receive his reasonable charges for the keeping of such animals. The amount which he shall charge therefor may be regulated by the town meeting.

The officers composing the board of appointment, in case of vacancy, when they shall meet for that purpose, and the officers composing the board of town auditors, shall each be entitled to one dollar and fifty cents a day for their services.

No justice of the peace, or town officer shall be entitled to any fee or compensation from any individual elected or appointed to a town office, for administering to him the oath of office.

Each town or district collector shall be allowed a commission of two per cent, on all moneys collected by him, to be paid out of the respective funds collected: *Provided*, that in any case where the compensation so allowed shall be insufficient, the town or county board may allow an additional compensation or per diem in lieu of other or greater commissions, in which case said additional compensation shall be paid out of the town or county treasury, as the case may require: *And, provided, further*, that all excess of commissions and fees over fifteen hundred dollars in counties of the first and second class and over three

thousand dollars in counties of the third class shall be paid into the town or district treasury: *Provided, however,* that the town board of auditors of any town may, prior to the election of a town collector, fix the maximum amount at a lesser sum than provided herein. (As amended by Act approved June 7, 1911, in force July 1, 1911. L. 1911, p. 337. See Township Organization, Ch. 139-130.)

APPROVED June 26, 1913.

FISH AND GAME.

FISH AND GAME CONSERVATION ACT.

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| § 1. Appointment of commission—duties. | § 23. Fish license—how issued. |
| § 2. Employees. | § 24. Fish dealer's license—how issued—fees—duration—unlawful shipments—seizure of contraband fish. |
| § 3. Salary—expenses. | § 25. Fish preserves—notices—penalty for unlawful fishing. |
| § 4. What and when unlawful to hunt, etc.—exceptions. | § 26. License fees paid to State Treasurer. |
| § 5. What unlawful to buy, sell, have, etc. | § 27. Alteration, loan or transfer of fish license prohibited. |
| § 6. What wild birds unlawful to kill, etc.—game birds named. | § 28. Prosecutions for violations—fines transmitted by magistrate, etc. |
| § 7. What unlawful to trap, etc.—no bait or feed. | § 29. Owner's permit to hunt. |
| § 8. When unlawful to buy, sell, etc.—exception. | § 30. Violation a misdemeanor—forfeiture of license—title to land. |
| § 9. Interstate shipments—proviso. | § 31. Penalty for violating section 29. |
| § 10. What not killed, etc., for ten years—exceptions. | § 32. Ownership and title of fish in State. |
| § 11. Ownership and title of game and birds in State. | § 33. Fishing subject to restrictions of Act. |
| § 12. Taking or destroying nests or eggs. | § 34. Fishing with hook and line—frogs. |
| § 13. Birds, nests or eggs for scientific purposes. | § 35. Fishing with net, basket or seine. |
| § 14. Certificate to collect birds, nests or eggs—bond. | § 36. White fish and trout—proviso. |
| § 15. Duration of certificate. | § 37. Minnows for bait. |
| § 16. Affidavit of violation and form of search warrant. | § 38. Officials may take fish for propagation, destroy, etc. |
| § 17. Hearing on complaint. | § 39. Size of nets or seines—how set and lifted. |
| § 18. Confiscation and sale of game, etc. | § 40. Use of drugs, explosives, firearms, artificial lights, etc.—permit in writing. |
| § 19. Disposition of fine and cost. | § 40a. Structures on ice—penalty. |
| § 20. Officers not liable for wrongful seizure of game, etc. | § 41. Legal size of fish—what unlawful to sell—proviso. |
| § 21. Application for hunter's license—oath—fees—form—number daily—duration of license—exemptions—penalty. | § 42. Legal size and weight of fish—donations by officers. |
| § 22. Unlawful fishing—exemption—fees—no transfer. | § 43. What fish unlawful to ship at any time—what carried or transported as baggage—label. |

FISH AND GAME CONSERVATION ACT—*Concluded.*

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| <p>§ 44. When and what fish may be shipped—penalty.</p> <p>§ 45. Common carriers not to receive or ship fish without tag, etc.</p> <p>§ 46. Fish hatcheries—fish culturist.</p> <p>§ 47. Seizure of unlawful devices—proceedings—sale or destruction.</p> <p>§ 48. Contraband fish.</p> <p>§ 49. Dam or obstruction—fishways—arbitration.</p> <p>§ 50. False label—penalty.</p> <p>§ 51. Definitions.</p> <p>§ 52. Inspection and examination of fish.</p> <p>§ 53. Resisting officer—penalty.</p> <p>§ 54. Revocation of license.</p> | <p>§ 55. Mussel, clam or shell fish—penalty.</p> <p>§ 56. Non-resident not to take mussel, clam or shell fish in boat without license—penalty.</p> <p>§ 57. Boats—size—penalty.</p> <p>§ 58. Boat license—how issued—fee—duration—metal tag—penalty.</p> <p>§ 59. Powers and duties of commissioners, wardens and deputies.</p> <p>§ 60. Offenses and penalties—fines paid to State Treasurer.</p> <p>§ 61. Prosecutions—duties of State's attorneys.</p> <p>§ 62. Prosecution within one year after offense.</p> <p>§ 63. Duty of other officers.</p> <p>§ 64. Report.</p> <p>§ 65. Repeal.</p> |
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(SENATE BILL NO. 617. APPROVED JUNE 23, 1913.)

AN ACT for the conservation of game, wild fowl, birds and fish in the State of Illinois, for the appointment of a commission and staff for the enforcement thereof, and to repeal certain Acts relating thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That within thirty days after this Act shall take effect the Governor of the State, by and with the advice and consent of the Senate, shall appoint three persons to be called and known as the State Game and Fish Conservation Commission, referred to and designated hereafter in this Act as the commission. One member of the commission shall be designated by the Governor as the president of the commission, who shall be the executive officer of the commission. It shall be the duty of the commission to conserve the game, wild fowl, birds and fish of the State, to secure the enforcement of all the statutes of the State for the preservation of game, wild fowl, birds and fish and bring, or cause to be brought, actions and proceedings in the name of the People of the State of Illinois, to recover any and all fines and penalties provided for in such laws relating to game, wild fowl, birds and fish, and to prosecute all violators of said statutes.

§ 2. **EMPLOYEES.]** To carry out the provisions of this Act, the commission shall have the power to appoint six wardens and sixty deputy wardens, who shall serve continuously, and may appoint in addition thereto not to exceed sixty deputy wardens for temporary service during such seasons as in the judgment of the commission such extra service is required. All wardens and deputy wardens shall be subject to the control of the commission; and the commission shall also have the power to employ such other officers, agents and employees as it may deem necessary for the efficient conduct of its business. In addition to the wardens, and deputy wardens herein provided for, all constables in this State shall be *ex officio* special deputy wardens who shall receive no salary per

diem or expenses as such, but who shall receive in addition to the fees and mileage provided by law, one-half of all the fines recovered for violation of this Act in case where they have filed the complaint.

§ 3. SALARY—EXPENSES.] The president of the commission shall receive an annual compensation of \$4,000; the remaining two members of the commission shall each receive an annual compensation of \$3,000. The six wardens provided for herein shall each receive an annual compensation of \$1,500. The sixty deputy wardens provided for herein shall each receive an annual compensation of \$1,200. Deputy wardens appointed for temporary service shall receive compensation during the time of such service at the rate of \$100 per month. Each member of the commission and each warden and deputy warden shall be allowed his actual traveling expenses incurred in official business. The Secretary of State shall provide the commission with suitably furnished offices in the Capitol building at Springfield and with the necessary blank books, blanks, stationery and printed matter.

§ 4. It is hereby declared to be unlawful to hunt, kill, net, entrap, ensnare, destroy or attempt to hunt, kill, net, entrap, ensnare or destroy any bobwhite quail from the 10th day of December to the 10th day of November (both inclusive) of each succeeding year, nor more than twelve by any one person in one day; or any pinnated grouse (prairie chicken) from the 25th day of November of any year to the 10th day of November (both inclusive) of the next succeeding year, nor more than three by one person in one day; or any ruffed grouse (partridge), Mexican blue quail, California mountain quail, California valley quail, Hungarian partridge, capercaillie, heath grouse (black grouse), or wood cock for the period up to and including July 1, 1920; or any gray, red fox or black squirrel from the 15th day of November to the 1st day of July of each succeeding year; or any of the order of Limicolae or shore birds, commonly known as jacksnipe, Wilson's snipe, sand snipe, or any kind of snipe, or any golden plover, upland plover, or any kind of plover, from the 1st day of May to the 1st day of September (both inclusive) of any year, or any mourning dove from November 1st of any year to August 15th of the succeeding year, nor more than fifteen by one person in one day. And it shall be unlawful to kill, hunt, ensnare, entrap, or attempt to kill, hunt, ensnare, entrap or otherwise destroy any wild goose, duck, brant, coot (mud hen), rail or other water fowl at any time from the 15th day of April to the 1st day of September (both inclusive) of each year. And it shall be unlawful to hunt, kill, entrap, ensnare or attempt to hunt, kill, entrap, ensnare or otherwise destroy any wild goose, duck, brant, coot, rail or other water fowl between the sunset of any day and the sunrise of the next succeeding day at any period of the year. And it shall further be unlawful at any time to hunt, kill, entrap, ensnare, or attempt to hunt, kill, entrap, ensnare or otherwise destroy any wild goose, brant, duck, coot, rail or other water fowl from any fixed or artificial ambush beyond the lines of natural covering of reeds, canes, willows, flags, crooked brush, wild rice, or other vegetation above the water of any lake, river, bay or inlet or other water course

wholly within the State, or with the aid or use of any device commonly called sneak boat, sink box or other device for the purpose of concealment in the open waters of this State.

And it shall be unlawful to shoot, kill or destroy, or attempt to shoot, kill or destroy any wild goose, duck, brant, coot, rail or other water fowl with a swivel gun or rifle, or from any sail boat, gasoline or electric launch or steamboat at any time in any part of the water of any lake, river, bay or inlet or other water course wholly within this State: *Provided*, that it shall be unlawful to kill, entrap, ensnare or otherwise destroy any of the duck, geese, brant, coot, rail or other water fowl, or any of the order of Limicolae or shore birds, commonly known as jack snipe, Wilson's snipe, sand snipe, or any kind of snipe, or any golden plover, upland plover, or any kind of plover mentioned in this section, at any time for market or other commercial purposes, nor more than fifteen ducks, ten geese, ten brant, twenty coots, twenty rails, or other water fowl, by one person in one day.

Any person or persons so offending shall for each and every offense be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than fifteen nor more than fifty dollars and costs of suit, and shall stand committed to the county jail until such fine and costs are paid: *Provided*, that such imprisonment shall not exceed ten days; and the killing of each bird or animal herein specified shall be deemed a separate offense: *Provided*, that nothing in this section shall be construed to prevent the commission or its wardens or deputies from hunting, ensnaring or entrapping any of the game birds or animals in this section mentioned and transmitting them to other sections of the State, where a scarcity of these game birds or animals exists, for the purpose of propagating and restocking said sections of the State: *And, provided further*, that before hunting, ensnaring or entrapping, said commission, its wardens or deputies must first obtain the consent in writing of the tenant or land owner from whose premises said game birds and animals are taken.

§ 5. It shall be unlawful for any person to buy, sell or have in his or her possession any of the animals, wild fowl or birds mentioned in section 4 of this Act at any time when the killing, trapping, netting and ensnaring of such animals, wild fowl or other birds shall be unlawful. And it shall further be unlawful for any person or persons at any time to buy, sell or expose for sale, or to have in his or her possession for the purpose of selling, any wild duck, goose, brant, shore bird, bobwhite quail, Mexican blue quail, California mountain quail, California valley quail, Hungarian partridge, capercailzie, heath grouse (black grouse), ruffed grouse or partridge, gray fox or black squirrel or wild turkey, except that they shall have been imported from other states as hereinafter provided for, and then only between the first day of October and the first day of February of the following year. And it shall further be unlawful for any person, corporation or carrier to receive for transportation, to transport, carry or convey any of the aforesaid quail, pinnated grouse or prairie chickens, ruffed grouse or partridge, squirrel, duck, goose, brant, shore bird, Hungarian partridge, capercailzie, heath grouse

or wild turkey that shall have been caught, ensnared, entrapped or killed within the limits of this State; and it shall be *prima facie* evidence that the having in possession of the aforesaid game birds or animals that the same were caught, ensnared, entrapped or killed within the limits of this State; or to transport, carry or convey the same to any place where it is to be sold or offered for sale, or to any place outside of this State for any purpose except such person have a license from this State so to do. And any person guilty of violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense, and shall stand committed to the county jail not exceeding ten days, or until such fine and costs are paid: *Provided*, that the buying, selling or exposing for sale, having in possession for sale, transporting or carrying and conveying contrary to the provisions of this section of each and every animal or bird forbidden herein shall be deemed a separate offense.

§ 6. Any person who shall, within the State, kill or catch, or have in his or her possession, living or dead, any wild bird, or part of bird, other than a game bird, English sparrow, crow, black bird, chicken hawk or other hawks, blue jay or who shall purchase, offer or expose for sale, any such wild bird, or part of bird, after it has been killed or caught, shall, for each offense be subject to a fine of five dollars for each bird killed or caught or had in his or her possession, living or dead, and shall stand committed to the county jail until such fine and cost are paid: *Provided*, that such imprisonment shall not exceed ten days: *Provided, further*, that nothing in this section shall be construed to prevent the owner or occupant of lands from destroying any such birds or animals when deemed necessary by him for the protection of fruits and property. For the purpose of this Act the following only, shall be considered game birds: The Anatidae, commonly known as swan, geese, brant, river and sea ducks; the Ballidae, [Rallidae] commonly known as rail, and the Gallinules and Limicolae, commonly known as shore birds, plover, surf birds, snipe, wood cock and pipers, tattlers and curlews; the Calinane, [Gallinae] commonly known as wild turkey, grouse, prairie chicken, pheasant, partridge, quail and mourning dove.

§ 7. No person or persons shall, at any time, with trap, snare or net, take or attempt to trap, ensnare or net any wild goose, wild duck, brant, rail or other water fowl, wild turkey, prairie chicken, quail, grouse, pheasant, Mexican blue quail, Hungarian partridge, California valley quail or California mountain quail at any time, except as hereinbefore provided; and it shall be unlawful for any person or persons to bait or feed any of said birds or water fowls with any kind of seeds or grain for the purpose of trapping, shooting or ensnaring them; and every person so offending shall on conviction be fined in a sum not less than ten dollars nor more than twenty-five dollars and cost of suit, and shall stand committed to the county jail until such fine is paid: *Provided*, that such imprisonment shall not exceed fifteen days.

§ 8. No person or persons shall buy, sell or expose for sale, or have in his or their possession for the purpose of selling or exposing for sale, any of the animals, wild fowl or birds mentioned in section 4 of this

Act, after the expiration of five days next succeeding the first day of the period in which it shall be unlawful to kill, entrap or ensnare such animals, wild fowl or birds; nor shall any of such wild animals, wild fowl or birds be sold or offered for sale during the first two days of the open season. Any person so offending shall, on conviction, be fined and dealt with as specified in section 4 of this Act, and the buying, selling or exposing for sale or having same in possession for the purpose of selling or exposing for sale any of the animals or birds mentioned in this section after the expiration of the time mentioned in this section, shall be *prima facie* evidence of the violation of this Act: *Provided*, that the provisions of this section shall not apply to the killing of birds by or for the use of taxidermists for preservation, either in public or private collections, if so preserved: *Provided, further*, that nothing contained in this section shall be construed as modifying or being in conflict with section 5 of this Act, or authorizing or legalizing the sale or exposing for sale, transportation or receiving for transportation, any of the animals, birds or game as therein prohibited: *And provided, also*, that the inhabitants of this State may receive game from other states legally killed, entrapped or ensnared, and expose and sell the same on the market between the first day of October and the first day of February of each year.

§ 9. The provisions of this Act shall not be construed as applicable to any express company or common carrier, into whose possession any of the animals, wild fowl or birds herein mentioned shall come in the regular course of their business for transportation, while they are in transit through this State from another State, where the killing and transportation of said animals, wild fowls or birds be lawful. But notwithstanding this provision, the having or being in possession of any such animals, wild fowl or birds, as are mentioned in section 4, upon any of the days upon which the killing, entrapping, ensnaring, netting, buying, selling, or having in possession any such animals, wild fowl or birds, shall be unlawful by the provisions of this Act, shall be deemed and taken as *prima facie* evidence that the same was ensnared, entrapped, netted or killed in violation of this Act.

§ 10. That it shall be unlawful for any person in the State of Illinois, for and during the period of ten years from the passage of this Act, to injure, take, kill, expose or offer for sale, or have in possession, except for breeding purposes, any wild buck, doe or fawn: *Provided*, that any person who breeds and raises deer for market where the same has been bred and raised within an enclosure, may kill and sell same from October 1st to February 1st. And it shall be unlawful for any person for and during the period of ten years from the passage of this Act to injure, take, kill, expose or offer for sale or have in possession except for breeding purposes any wild turkey, or any kind of pheasant, sand grouse or partridge: *Provided*, that cock pheasants may be killed and sold from the 1st day of November to the 1st day of February of each and every year, by the breeders thereof, upon a permit issued to them by the commission. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars nor more than

one hundred dollars, and in default of the payment of the fine imposed shall be imprisoned in the county jail at the rate of one day for each dollar of the fine imposed. The fines imposed and collected under this Act shall be paid into the State treasury.

§ 11. The ownership of and title to all wild game and birds in the State of Illinois is hereby declared to be in the State, and no wild game or birds shall be taken or killed in any manner or at any time except the person so taking or killing shall consent that the title to said game shall be and remain in the State of Illinois for the purpose of regulating the use and disposition of the same after such taking or killing. The taking or killing of wild game or birds at any time in any manner or by any person shall be deemed a consent of said person that the title to such game or birds shall be and remain in the State, for said purpose of regulating the use and disposition of the same.

§ 12. Any person, who shall, within the State of Illinois, take or needlessly destroy the nest or the eggs of any wild birds, game birds, or shall have such nests or eggs in his or her possession, shall be subject for each offense to a fine of five dollars and costs of suit and shall stand committed to the county jail until such fine and costs are paid: *Provided*, that such imprisonment shall not exceed ten days.

§ 13. Sections 6 and 12 of this Act shall not apply to any person holding a certificate giving the right to take birds and their nests and eggs for scientific purposes as provided for in section 14 of this Act.

§ 14. Certificates may be granted by the county clerks of the several counties of this State to any properly accredited person of the age of eighteen years and upward, permitting the holder thereof to collect birds, their nests or eggs for strictly scientific purposes only. In order to obtain such certificate the applicant for the same must present to the county clerk to whom the application is made, written testimonials from two well-known scientific men, certifying to the good character and fitness of said applicant to be entrusted with such privilege; and must pay to said county clerk one dollar to defray the necessary expenses attending the granting of any such certificates and must file with said county clerk a properly executed bond in the sum of two hundred dollars, signed by two responsible citizens of the State as sureties. This bond shall be forfeited to the State and the certificate become void upon proof that the holder of such certificate has killed any bird or taken the nest or eggs of any bird for other than the purpose named in sections 6 and 13 of this Act, and shall be further subject for each offense, to the penalties provided therefor in sections six (6) and twelve (12) of this Act.

§ 15. The certificates authorized by this Act shall be in force until the first day of June next succeeding only from the date of their issue and shall not be transferable.

§ 16. If any member of the commission, or warden, or deputy, has reason to believe, or does believe that any person or corporation has in his or their possession, contrary to law, any game, deer, wild fowl or bird, it shall be the duty of such commissioner, warden or deputy to go before any justice of the peace in the county and make affidavit to that fact; said justice shall thereupon issue a search warrant against the

person or corporation so complained of, directed to any constable of the county, commanding him to proceed at once and search for said game, deer, wild fowl or bird, and upon finding the same to seize and take possession of the same and keep it until further ordered by the justice; said constable shall also read said warrant to the owner or person in whose possession said game, deer, wild fowl or bird is found. Said warrant shall be substantially as follows:

STATE OF ILLINOIS, }
 COUNTY. } ss.

To Any Constable of said County, Greeting:

You are hereby commanded to search (here describe place), seize and take possession of and hold any game, deer, wild fowl or bird found there. And you (here name owner or corporation in whose possession game is found) are hereby notified to appear before me at my office in (here locate office) on (here state time of trial), and show cause why the game, deer, wild fowl or birds should not be sold and the proceeds thereof distributed as required by law.

(Signature of Justice.)
 Justice of the Peace.

(Date of warrant.)

§ 17. At the time mentioned in said warrant said justice shall proceed to hear and determine whether said game, deer, wild fowl or bird was in the possession of the person or corporation contrary to law, and if said justice finds that said game, deer, wild fowl or bird was in the possession of the defendant contrary to law, then said justice shall enter judgment against the defendant and order a sale of the game, deer, wild fowl or bird seized, but if said justice shall find that the possession of said game, deer, wild fowl or bird was not contrary to law then the judgment of the court shall be that the same be returned to the person or corporation from whom the same was taken.

§ 18. In case of a judgment and order of sale, as specified in section 17, then said constable shall at once post two notices, one at the justice's office and one at the place of sale, specifying in each notice time and place of sale—not less than five hours from the date of judgment—also a description of the game, deer or wild fowl to be sold; said place of sale shall be upon the principal produce street or market of the city; said constable shall at the time and place mentioned in said notices sell said game, deer, wild fowl or bird at public auction to the highest bidder for cash, and at once pay the proceeds of such sale into the justice's court; said constable shall give the purchaser a certificate of purchase, in which shall be a particular description of the game sold, together with the date of sale.

§ 19. Said justice shall, as soon as the proceeds of sale are paid into his court, deduct the amount of his cost, together with the constable's costs, and pay the balance into the State treasury.

§ 20. Members of the commission, the wardens and deputy wardens shall not be liable for any damage or costs sustained by any person or corporation by reason of the wrongful seizure of game, deer, wild fowl, birds or fish under this Act.

§ 21. For the purpose of preventing unauthorized persons from killing game birds, no person or persons shall at any time hunt, pursue or kill with gun, rabbits or any of the wild animals, fowl or birds that are protected during any part of the year without first having procured a license so to do, and then only during the respective periods of the year when it shall be lawful. Said license shall be procured from any county, city or village clerk in the following manner, to wit: The applicant shall fill out a blank application to be furnished by the commission to the clerk of each county, city or village stating name, age, occupation and place of residence of applicant, place of birth, if a naturalized citizen, the date of the naturalization papers and the court by which issued, if a minor born beyond the jurisdiction of the United States, the date of the naturalization papers of the parent or parents and the court by which issued, if any; the fact of having declared his intention of becoming a citizen of the United States, with the date of such declaration and the court in which such declaration is filed, said application shall be subscribed and sworn to by the applicant before said county, city or village clerk, and any applicant who shall wilfully and corruptly swear falsely shall be deemed guilty of perjury and punished accordingly, and it is hereby expressly provided that if said county, city or village clerk, fails to administer the oath as herein provided, or antedates any license, he shall be subject to a fine herein provided for each and every offense, the same to be recovered in any court of competent jurisdiction. And said applicant, if a non-resident of the State of Illinois, or if not a citizen of the United States or not having declared his intention of becoming a citizen of the United States, whether a resident of the State of Illinois or not shall pay to the county clerk the sum of twenty-five dollars as a license fee, together with the sum of fifty cents as the fee of said county clerk for administering the oath to the applicant and issuing said license; and if a resident of the State of Illinois, and a citizen of the United States, shall pay to the county, city or village clerk, the sum of seventy-five cents as a license fee, together with the sum of twenty-five cents as the fee of said county, city or village clerk for administering the oath to the applicant and issuing said license. Said license shall bear the signature of the commission and the seal of the county, city or village in which the same is issued and be countersigned by the said clerk. And such licensee, if a non-resident, is hereby authorized to take from the State not to exceed in the aggregate fifty birds of all kinds killed by himself or herself which shall be carried openly for inspection, together with his or her license. The number of game birds or animals that may be killed in any one day by one person is hereby limited to fifteen ducks, ten geese, ten brant, fifteen coots, fifteen rails, or other water fowl. The number of the Limicolae or shore birds that may be killed by one person in one day is hereby limited to fifteen, and fifteen game birds of any

other kind, except bobwhite quail, ruffed grouse (partridge), pinnated grouse (prairie chicken), Mexican blue quail, California valley quail, California mountain quail, wild turkey, or any kind of pheasants. The number of mourning doves and squirrels that may be killed in any one day by one person is hereby limited to fifteen.

Every license issued shall be signed by the licensee in ink, and as aforesaid, shall entitle the person to whom issued to hunt, pursue and kill game within the State at any time when it shall be lawful to hunt, pursue and kill such game, and no person to whom a license has been issued shall be entitled to hunt, pursue or kill game or rabbits in this State without at the time of such hunting, pursuing and killing of game he or she shall have such license in his or her name and upon his or her person ready to exhibit the same for inspection, and such license shall be void after the 1st day of June next succeeding its issue: *Provided*, that the owner or owners of farm lands, their children (if residents of the State), or tenants shall have the right to hunt and kill game on the farm lands of which he or they are the *bona fide* owners or tenants during the season when it is lawful to kill game without procuring such resident license.

Any person found guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than fifty dollars for each and every offense and shall stand committed to the county jail until such fine and costs are paid, but such imprisonment shall not exceed thirty days for each offense; or such person may be proceeded against in an action of debt in the name of the People of the State of Illinois for the recovery of the penalty herein prescribed.

§ 22. It shall be unlawful for any person to fish in any waters under the jurisdiction of this State with seine, dip net, gill net or pound net, without first obtaining a license so to do: *Provided*, that the owner or owners, their children (if residents of this State), or the tenants of any land on which there is any lake, pond, slough or other water, wholly within the premises so owned or controlled and not connected with any open stream or extending beyond their jurisdiction, may take, catch or kill any fish in the manner prescribed by law without procuring such a license. Each resident of this State shall pay for each license the following amounts, respectively:

(a) For each one hundred yards of seine, or less (except minnow seines), five (5) dollars.

(b) For each dip net, twenty-five (25) cents.

(c) For each steam tug used in operating gill nets or pound nets, twenty-five (25) dollars.

(d) For each gasoline launch used in operating gill nets or pound nets, fifteen (15) dollars.

(e) For each sail boat, or row boat used in operating gill nets or pound nets, ten (10) dollars.

Each non-resident of this State shall pay for each such license the following amounts respectively:

(a) For each one hundred yards of seine or less (except minnow seines), ten (10) dollars.

(b) For each dip net, one (1) dollar.

(c) For each hoop or fyke net, one (1) dollar.

(d) For each steam tug used in operating gill nets or pound nets, two hundred (200) dollars.

(e) For each gasoline launch used in operating gill nets or pound nets, fifty (50) dollars.

(f) For each sail boat or row boat used in operating gill nets or pound nets, thirty (30) dollars. No license issued under the provisions of this section shall be transferred.

§ 23. Each county, city or village clerk is hereby authorized and empowered to issue all licenses referred to in the preceding section of this Act upon the payment to such clerk of the amount of the license fee prescribed in the foregoing section, together with the sum of twenty-five (25) cents as the fee of such clerk. It shall be the duty of such clerk to issue to such applicant a license, bearing the signature of the commission, sealed with the seal of the county, city or village clerk, as the case may be, dated on the day of the issuance thereof and countersigned by said clerk. At the time the said payment is made the person making such payment shall receive from the clerk a metal tag, which shall be of uniform style and pattern, to be prescribed and furnished to the clerk by the commission. Such metal tag shall be attached to said devices or boats, in such a manner as to be at all times exposed to public view.

§ 24. It shall be unlawful for any person to ship any fish caught in any of the waters under the jurisdiction of this State, or to conduct a fish market for the purpose of buying and selling and shipping such fish, or as a wholesale dealer to buy and sell any fish caught or taken in the waters under the jurisdiction of this State without procuring a license so to do. Such license may be procured from the city, village or county clerk upon the payment to such city, village or county clerk of a license fee of ten (10) dollars, together with the sum of fifty (50) cents as the fee of the clerk issuing such license. Such license shall be signed, sealed and authenticated as other licenses required by this Act. Each license issued under the provisions of this section shall entitle the person named therein to ship any fish authorized under this Act to be sold and shipped which are caught in the waters under the jurisdiction of this State during the time when it is lawful to catch such fish and to conduct a fish market for the purpose of buying and selling for shipment fish authorized under this Act to be bought and sold and which were caught in the waters under the jurisdiction of this State during the time when it is lawful to catch such fish, and to buy and sell such fish as a wholesale dealer, until the first day of May next following its issuance, and no license shall be transferred. All licenses granted under this section shall expire on the first day of May of each year.

It shall be unlawful for any railroad company, express company, steamboat company, or common carrier, to receive from any person engaged in the business of buying, selling and shipping fish as herein

provided, any fish caught in the waters under the jurisdiction of this State for shipment unless the person so tendering such fish for shipment has obtained a license authorizing such person to ship fish in accordance with the provisions of this section.

All fish found in the possession of the holder of such license which are of illegal kinds, sizes, or weights, are hereby declared to be contraband, and may be seized and disposed of by any member of the commission, any warden or deputy warden.

§ 25. The commission shall have power and authority to set aside, at its discretion, such waters within the jurisdiction of this State as they may judge best as State fish preserves, in which it shall be unlawful to fish with any device except hand line or rod and line. The commission shall post such waters at the outlet, and at highways crossing of the same, by conspicuous notice, and shall publish such notice once in a newspaper published in each of the counties in which such waters are located.

Any person taking, catching or killing, or attempting to take, catch or kill, any fish with any device or by any method, except hand line or rod and line in any waters set apart under the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be sentenced, for the first offense, to pay a fine of not less than fifty (50) dollars, nor more than one hundred (100) dollars, and for the second offense shall be fined not less than one hundred (100) dollars nor more than two hundred (200) dollars; and in either case shall stand committed to the county jail, there to remain until such fine and costs are fully paid.

§ 26. All license fees collected by the several city, village and county clerks of this State under the provisions of this Act shall be paid into the State treasury at the end of each calendar month.

§ 27. Any person who shall at any time alter or change in any material manner, or loan or transfer to another, any license issued as aforesaid, shall be deemed guilty of forgery, and on conviction thereof shall be subject to the penalties provided for the commission of forgery.

§ 28. All prosecutions for the violation of the provisions of this Act relating to license shall be brought by any person in the name of the People of the State of Illinois against any person or persons violating any of the provisions of this Act, so far as it relates to licenses, before any court of competent jurisdiction; and it is hereby made the duty of all state's attorneys to see that the provisions of this Act are enforced in their respective counties, and they shall prosecute all offenders on receiving information of the violation of any of the provisions of this Act, and it is made the duty of all sheriffs, deputy sheriffs, constables and police officers to inform against all persons whom there is a reasonable cause to believe are guilty of violating any of the provisions of this Act; the amount recovered in any penal action under this Act in so far as it relates to licenses, shall be by the magistrate or court before whom the case is tried at once transmitted to the State Treasurer.

§ 29. It shall be unlawful for any person or persons to hunt, with gun or dog, or allow their dogs to hunt within or upon the lands or premises of another, or upon the waters flowing over or standing on

said lands or premises, without first obtaining from the owner, agent, or occupant of said lands or premises, his, her or their permission so to do.

§ 30. Any person or persons violating section 29 of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction, forfeit his license and may be prosecuted in the name of the People of the State of Illinois before any justice of the peace or by indictment or information in any court in any county: *Provided*, that in all such prosecutions the owner or owners or person in possession of said grounds or lands shall not be required to prove title to the grounds or lands in controversy.

§ 31. Any person convicted of violating section 29 of this Act shall be fined in a sum of not less than five dollars (\$5.00), and not to exceed fifteen dollars (\$15.00), and shall stand committed to the county jail until such fine and costs are fully paid.

§ 32. That the ownership of and title to all fish in any waters within the jurisdiction of this State is hereby declared to be in the State and no fish shall be caught, taken or killed in any manner or at any time except the persons so catching, taking or killing such fish shall consent that the title to said fish shall be and remain in the State for the purpose of regulating the possession, use, sale or transportation thereof after such taking, catching or killing.

§ 33. It shall be unlawful for any person to catch, take or kill, or attempt to catch, take or kill, any fish in any of the lakes, rivers, creeks, sloughs, bayous or other waters, or water courses within the jurisdiction of this State, except subject to the restrictions and by the means and devices, and at the time prescribed by this Act.

§ 34. Fish of legal size or weight, as hereafter prescribed, may be caught, taken or killed with hook and line at any time. Frogs shall not be caught, taken or killed within the jurisdiction of this State by any means whatsoever, during the months of May and June of each year.

§ 35. It shall be lawful to catch and take all kinds of fish (except black bass, pike, pickerel, pike perch (commonly known as jack or yellow salmon), white fish, trout, chubs, long jaws, black fins, lake perch and herring, with hoop or fyke nets, dip nets, baskets, or with seines, the meshes of which are not less than one and one-half inches square and which do not exceed 600 yards in length, between the first day of July of any year and the first day of May of the next succeeding year.

§ 36. White fish and trout may be caught and taken only with gill nets and with pound nets, the meshes of which are not less than two and one-quarter inches square, between the first day of December of any year and the first day of November of the next succeeding year.

Only chubs, long jaws, black fins, herring and lake perch may be caught and taken with gill nets, dip nets, and with pound nets, the meshes of which are not less than one and one-quarter inches square: *Provided*, it can be shown that not over ten per cent of the entire catch taken in such nets at any one lift shall consist of trout of a less weight than one and one-quarter pounds, dressed, each, and provided that such trout so caught or taken may be sold at, but shall not be shipped from the place where such trout were caught or taken.

§ 37. It shall be lawful to catch or take minnows for bait only by use of minnow seines or traps, the meshes of which shall not be less than one-fourth of an inch square nor shall the length of any minnow seine be more than fifty (50) feet: *Provided, however,* that any person so fishing for minnows for bait in the manner prescribed, shall at once return to the water uninjured all fish of whatever size or length, except such as are commonly known as minnows.

§ 38. It shall be lawful for the commission, or for any duly authorized official of the United States, or persons authorized by them, to catch and take fish in any way at any time and at such places as they may deem best for the purpose of propagation, distribution, or the destruction of objectionable fish, and for the University of Illinois or its agents to do likewise for scientific purposes.

§ 39. No hoop, or fyke net, gill net or pound net or seines shall be more than 600 yards in length or shall be set, placed or used by any person or persons in such a manner as to obstruct more than one-half of the width of any stream, river, lake, slough, bayou, or other water course within the jurisdiction of this State. All gill nets and pound nets shall be set and lifted only by the use of a tug, launch, sail boat or row boat licensed as herein provided.

§ 40. Every person who shall at any time catch, take or kill, or attempt to take, catch or kill, any fish in any of the rivers, lakes, ponds, creeks, streams, canals, sloughs, bayous or other waters or water courses wholly or in part within the jurisdiction of this State by the use of lime, acid, medical, chemical or mechanical compound or dope of any medicated drug or any *cocculus indicus* or fish berry, or any dynamite, or giant powder, nitro-glycerine or other explosive, of any kind of fire arms, or by the use of jack or artificial light of any kind, or with snare, spear, gig or graines, shall be deemed guilty of a misdemeanor, and upon condition shall be fined not less than one hundred (100) dollars, nor more than two hundred (200) dollars or punished by imprisonment in the county jail not less than six months, or by both fine and imprisonment, at the discretion of the court.

Nothing in this section shall be construed to forbid the use of an ordinary lamp or lantern strictly for illuminating purposes and not for the purpose of "shining," luring or attracting fish.

It shall be unlawful for any person to catch, take or kill, or attempt to catch, take or kill, in any manner or by any means whatsoever, any fish in, upon, or from any water in any quarry, quarry hole, natural or artificial lake, fish pond or reservoir, or other artificial or natural depression upon the premises of any other person within the jurisdiction of this State, without the consent in writing of the owner or person in charge thereof.

§ 40a. It shall be unlawful for any person to have, erect or use, while fishing on or through the ice, any house, shed, tent or shanty, or other structure so constructed as to wholly or in part exclude the daylight or which may be used for the purpose of concealment.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be

punished by a fine of not less than twenty-five (25) dollars nor more than two hundred (200) dollars, and costs, and shall stand committed to the county jail until such fine and costs are fully paid.

§ 41. It shall be unlawful to catch, take or kill by any means or device whatsoever, or to sell or offer for sale, or have in possession any of the following named fish mentioned below, which are less than the length mentioned for each:

Black bass, eleven inches.

Pike or pickerel, eighteen inches.

White or striped bass, eight inches.

Rock bass, six inches.

Crappie, eight inches.

Yellow or ringed perch, seven inches.

Pike perch or wall-eyed pike, thirteen inches.

Provided, that if any such undersized fish is taken, the person taking it shall immediately return it to the waters from which it was taken, without unnecessary injury to such fish.

Provided, further, that it shall be unlawful, at any time, to sell or offer or expose for sale, or have in possession for the purpose of selling, any black bass, pike, pickerel, or pike perch (commonly known as wall-eyed pike, jack or yellow salmon), caught, taken or killed in waters within the jurisdiction of this State: *And provided, also*, that black bass, pike, pickerel and pike perch (commonly known as wall-eyed pike, jack or yellow salmon), may be caught, taken or killed only with line held in the hand, or attached to a rod, with or without reel attached, held in the hand.

§ 42. It shall be unlawful to catch, take or kill by any means or device whatsoever, or to sell or offer for sale, or have in possession (unless caught with hook and line) any of the following named fish mentioned below, which are less than the weight or length mentioned for each:

Lake perch, seven inches.

Buffalo, twelve inches.

German carp, twelve inches.

Sunfish, six inches.

Blue or channel catfish, thirteen inches.

Whitefish, one and one-quarter pounds, dressed.

Lake trout, one and one-quarter pounds, dressed.

White perch, ten inches.

Bullhead cat, seven inches.

Turtle or terrapin, seven inch shell.

The possession by any person of any fish under the size or weight prescribed in this section, except as hereinbefore provided for; shall be *prima facie* evidence that such fish were the property of the State of Illinois at the time they were caught, taken and killed, and that such fish were caught, taken and killed in this State. Any person receiving in due course of business any fish less than the weight or size prescribed in this section, shall immediately upon receipt of such fish, notify the commission, a warden or deputy warden of such fact. Upon receipt of

such notice it shall be the duty of the commission, the warden or the deputy warden, as the case may be, to seize same and donate such fish to some public or charitable institution.

§ 43. It shall be unlawful at any time to transport, or ship any black bass, pike, pickerel, or pike perch (commonly known as wall-eyed pike, jack or yellow salmon) caught in waters under the jurisdiction of this State: *Provided*, that any person may carry with him, or transport as baggage on any train or conveyance for which he has purchased a transportation ticket, one package and no more, at any time, and during any one day, containing not more than twenty-five pounds of black bass, pike, pickerel, and pike perch (commonly known as wall-eyed pike, jack or yellow salmon), legally caught and taken in the waters under the jurisdiction of this State: *Provided*, that such package, when offered as baggage, shall be plainly labeled so as to show the name of the person offering the same for transportation, the place to which it is to be transported and the number of fish of each kind contained therein, and the number of the license of the person offering such fish for transportation, if any such license is required.

§ 44. It shall be unlawful to sell or ship, offer for sale or shipment, or receive for shipment, from and including the first day of May to and including the thirtieth day of June of each year, any fish or frogs caught in any of the waters under the jurisdiction of this State: *Provided*, that white fish, trout, long jaws, chubs, black fins, herring and lake perch of lawful size may be sold or shipped, offered for sale or shipment, or received for shipment, at any time: *Provided, further*, that black bass, pickerel, pike, or pike perch (commonly known as wall-eyed pike, jack or yellow salmon), lawfully caught in waters under the jurisdiction of this State, may be lawfully transported as baggage and as provided for in section 43, from the 11th day of June of any year to the 31st day of March (both inclusive), of the succeeding year.

The possession of any such fish, or shipment of fish or in transit shall be *prima facie* evidence of a violation of this section: *Provided*, that the provisions of this section shall not apply to the transportation of fish into or through this State, or out of it, by the commission, or the duly authorized representative of any other state, or of the United States: *Provided, further*, that there shall be allowed five days after the close of the fishing season to dispose of or to ship all fish legally caught and taken previous to the close of the fishing season.

§ 45. It shall be unlawful for any railroad company, express company, or common carrier, to ship or transport, or receive for shipment or transportation or to have in possession for the purpose of shipment to any point either within or without this State, any box, barrel, crate, or other receptacle containing fish, unless such box, barrel, crate, or other receptacle shall have firmly fixed and attached thereto a tag on which shall be printed or written, or partly printed and partly written, information stating the different varieties of fish contained in each box, barrel, crate, or other receptacle, the name and place of business of the consignor, the number of the license of the consignor whenever such license is required, and the name and place of business of the consignee.

§ 46. It shall be the duty of the commission to select suitable locations for State fish hatching and breeding establishments, take all measures within their means for propagation and increase of the native food fishes, and also for the introduction of new varieties of food fishes into the waters of the State upon the best terms possible to employ a practical and competent fish culturist who shall perform all such duties as the commission shall direct.

§ 47. It shall be the duty of any member of the commission, any warden, deputy warden, constable and sheriff to summarily seize and take possession of any device for taking or killing fish herein declared to be unlawful and the use of which is prohibited; he shall thereupon report such seizure to the State's attorney and deliver such device to the sheriff, who shall forthwith file in the office of the county clerk or circuit clerk an information in the name of the People of the State of Illinois, against the alleged owner or owners thereof, and of facts of the seizure and unlawful character of the device; whereupon it shall be the duty of the clerk of the county or circuit court to immediately issue two writs of summons in the name of the People of the State against such alleged owner or owners; or if the owner or owners be unknown, against the unknown owner or owners thereof and shall deliver one summons to the sheriff, to be served, and return in the same manner as a summons at law is served, and shall post one summons in a conspicuous place at the court house door in such county, and shall docket such case with the criminal cases of such court; and upon the expiration of ten days after the posting of such notice, the circuit or county court of such county, if then in session or when next in session thereafter, shall have full jurisdiction thereof upon the clerk's certificate that he posted the notice therein required to the sheriff's return of summons served, or both, and shall proceed to a trial of said case; and if no plea denying the information be filed therein, the court shall take the information as *prima facie* evidence to support a judgment therein, shall enter an order that the device subject of the information be condemned, and that, upon the expiration of twenty days after the last day of that term of court, such condemned device be sold or destroyed as hereinafter provided, which order shall be certified to the sheriff by the clerk and be by such sheriff returned, with the manner of its execution; and, if a plea be entered in said case, the court shall proceed to determine whether such device be unlawful and its use prohibited by this Act as in other cases without a jury unless demanded; and shall enter judgment of restitution or condemnation accordingly, and no recovery by the owner or owners or other persons for the value of such property so seized and destroyed in conformity with this Act shall be maintained: *Provided, however*, that such seine or nets so seized, the meshes of which are of legal size, shall be sold by the sheriff and the proceeds thereof be paid forthwith into the State treasury: *And, provided, further*, that any device for taking or killing fish herein declared to be unlawful and its use prohibited which shall have been seized as aforesaid, shall, by order of court, be destroyed.

Appeals and writ of error shall lie from the judgment of the court in the premises as in other cases.

§ 48. All fish caught, taken, killed, shipped or had in possession or under control contrary to any of the provisions of this Act are hereby declared to be contraband, and it shall be the duty of the commission to seize and dispose of any and all fish shipped or had in possession by any person in violation of this Act.

§ 49. That it shall be the duty of any person or persons who now own or control, or hereafter may erect or control any dam or other obstruction across any of the rivers, creeks, streams, bayous or other water courses wholly within or running through this State in such manner as shall obstruct the free passage of fish up and down or through such water or water courses, to place or cause to be erected in or in connection with such dam or dams, durable and efficient fish-ways, so that the free passage of fish up and down said waters may not be obstructed. All such fish-ways shall be maintained and kept in good repair by the person or persons so owning or controlling such dam or other obstruction, during the whole time of the existence of such dam or other obstruction, as aforesaid, so that said fish-way shall at all times be open and free from obstruction for the passage of fish.

And in case the owner or person controlling, operating or using any dam or other obstruction, as aforesaid, shall fail or refuse, after ten days' notice, in writing, by the president of the commission, to construct and keep in good repair durable and efficient fish-ways, as provided in this Act, then the commission may construct, or cause to be constructed, durable and efficient fish-ways, or place the same in good repair, said work to be let by contract to the lowest responsible bidder, and may recover in any action of debt in the name of the People of the State of Illinois, before any justice of the peace or court of competent jurisdiction the cost of constructing or repairing such fish-way. Any person or persons or corporations owning or controlling any such dam or other obstruction, who shall fail or refuse to comply with the provisions of this section with respect to the construction and maintenance in good repair of such fish-ways in any such dam, after having been notified in writing by the commission to construct or repair the same, shall be deemed guilty of a misdemeanor, and for each and every twenty days after such notification that such person or persons shall neglect or refuse to comply with the provisions of this section in erecting, maintaining and keeping in good repair such fish-ways, he or they shall be subject to a penalty of not less than twenty-five (25) nor more than two hundred (200) dollars.

All fish-ways built as provided in this Act, if constructed to the satisfaction and approval of the commission, then every owner or person controlling such dam or other obstruction as provided in this Act, may obtain from such commission a certificate that such fish-ways are constructed in compliance with this Act, which certificate shall be a full protection against any prosecution for violation of this Act for not providing a fish-way. Such certificate may be suspended at any time by the commission, when such fish-way is not maintained or repaired as herein required. If such person or persons so owning or controlling any such dam or other obstruction shall fail to construct or maintain such fish-

way to the satisfaction of the commission, then it shall be *prima facie* evidence of the violation of this Act: *Provided*, that no owner or owners of any dam or dams shall be required by this Act, or any other Act, to construct or allow the construction of any fish-way in such manner as to endanger the permanent durability of such dam or dams, or to impair their usefulness. Nor shall they be required to construct or repair such fish-ways by using some particular patent on which a patent fee is demanded, or to construct or repair such fish-way when high water or climatic conditions may render such work impracticable. The commission to determine whether or not such fish-way will endanger the permanent durability of such dam, or impair its usefulness as to such high water or climatic conditions, and in case the owner or owners of such dam dissent to the decision of such commission, then a board of arbitration shall be chosen to determine such matters: One by the commission; one by the owner or owners of such dam, and the two so chosen shall select a third within thirty (30) days after their selection, and if not so selected within thirty (30) days, then the third one shall be selected by the Governor of the State, and the decision of such arbitrators, so chosen, shall be final.

§ 50. Any person who shall falsely label any tag attached to any box, barrel, crate or other receptacle in which fish are shipped, as required by this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding two hundred (200) dollars, or imprisonment in the county jail not less than ten (10) days nor more than ninety (90) days, in the discretion of the court, or punished by both such fine and imprisonment.

§ 51. The word "person," when used in this Act shall include company, partnership, association, corporation or any agent or employee thereof. The term "objectionable fish" as used in this Act shall be construed to mean the following: Gar and hickory shad.

§ 52. In the enforcement of the provisions of this Act relating to fish any member of the commission, or any warden or deputy warden shall have the right to inspect and examine any fish wherever found within the confines of the State and in order to make any such inspection or examination he shall have the right and it is made his duty to open any box, barrel or other package or container wherein he has cause to believe any fish are contained or stored.

§ 53. Whoever shall resist or obstruct any member of the commission, any warden or deputy warden in the discharge of his duties under the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty (20) dollars nor more than one hundred (100) dollars for each offense.

§ 54. Whenever a license shall have been issued to any person under the provisions of this Act and such licensee shall violate any of the provisions of this Act the license so issued to such person shall be immediately revoked by the commission.

§ 55. It shall be unlawful for any person or persons to take or catch, by any means whatever, in any of the navigable waters within the juris-

diction of this State, any mussel, fresh water clam or shell fish from the first day of October to the first day of April (both dates inclusive) of each succeeding year.

Any person violating the provisions of this section shall be punished by a fine of not less than twenty-five dollars (\$25.00), and not more than one hundred dollars (\$100.00), for each offense, or imprisoned in the county jail not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

§ 56. It shall be unlawful for any non-resident of the State of Illinois to take or catch mussel, fresh water clam or shell fish, or attempt to take or catch mussel, fresh water clam or shell fish in any boat, skiff, row boat, flat boat, launch, or other water craft or vessel in any of the navigable waters within the jurisdiction of this State, unless a license for such boat, skiff, row boat, flat boat, launch, or other water craft or vessel shall have been procured therefor as hereinafter provided.

Any person not a resident of the State of Illinois who shall take or catch or attempt to take or catch any mussel, fresh water clam or shell fish in any boat, skiff, row boat, flat boat, launch or other water craft or vessel in any of the navigable waters within the jurisdiction of this State, without a license for such boat, skiff, row boat, flat boat, launch or other water craft or vessel, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

§ 57. It shall be unlawful for any person or persons to take or catch, or attempt to take or catch in any of the navigable waters within the jurisdiction of this State, any mussel, fresh water clam or shell fish in any boat, skiff, rowboat, flat boat, launch or other water craft or vessel having more than two bars. Each such bar shall not exceed sixteen feet in length, and the space separating the hooks thereon shall not be less than four inches.

Any person violating any of the provisions of this section shall be punished by a fine in any sum not exceeding one hundred dollars (\$100.00), or imprisoned in the county jail not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

§ 58. Any person not a resident of the State of Illinois desiring to take or catch in any of the navigable waters within the jurisdiction of this State, any mussel, fresh water clam or shell fish by means of any boat, skiff, rowboat, flat boat, launch or other water craft or vessel, shall first obtain a license for each boat, skiff, row boat, flat boat, launch or other water craft or vessel so to be used by said person, not a resident of the State of Illinois. The city or village clerk of any city or village, and the county clerk of any county are hereby authorized and empowered to issue such license and for each license the person making application therefor shall pay the sum of fifty dollars (\$50.00) for each boat, skiff, row boat, flat boat, launch, or other water craft or vessel so to be used. And each city or village or county clerk issuing any such license shall be entitled to charge and receive a fee of fifty cents for each

license so issued by him to be paid by the party applying for such license. Said license fee of fifty dollars above provided shall be paid by the said clerk to the State Treasurer at the end of each month.

Such license shall expire on the first day of October following its issuance.

At the time said payment is made, the person making the same shall receive from the commission, a metal tag, which shall be of uniform style and pattern, to be prescribed by the commission, and the person to whom the license is issued shall attach in a conspicuous place such metal tag to the boat, skiff, row boat, flat boat, launch or other craft or vessel so licensed.

Any person not a resident of the State of Illinois, who shall take or catch or attempt to take or catch—in any boat, skiff, row boat, flat boat, launch or other water craft or vessel in any of the navigable waters within the jurisdiction of the State (any mussel, fresh water clam or shell fish) to which no metal tag is attached in the manner herein provided, shall be punished by a fine of not less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00), or imprisoned in the county jail not exceeding one year or both such fine and imprisonment, in the discretion of the court.

§ 59. Each member of the commission, the wardens and the deputies shall have full power to execute and serve all warrants and processes of law issued by any justice of the peace or police magistrate, or by any court having jurisdiction under this Act in the same manner as any constable may serve and execute such processes, and may arrest on sight and without warrant, any person detected by him actually violating any of the provisions of this Act, and may take such person so offending before any court having jurisdiction of the offense and make proper complaint before such court which shall proceed with the case in the manner and form provided by the law for misdemeanors. It shall further be the duty of the commission, wardens or the deputies, upon receiving any information that any law relative to game, birds and fish has been violated, to immediately cause a thorough examination of such complaint to be made, and to cause proceedings to be instituted if the proof at hand warrants, and all sheriffs, deputy sheriffs, coroners and police officers of the State shall, each and every one of them, assist the commission, wardens and deputies in the enforcement of this law, the same as it is their duty to assist in the enforcement of other laws and such commission, wardens and deputy wardens shall seize on sight, without process, any game or fish found in the possession of any person or corporation which is so in possession contrary to law.

§ 60. Any person violating any of the provisions of this Act, except as otherwise provided herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offense be punished by a fine of not less than ten (10) dollars, nor more than two hundred (200) dollars and costs and shall stand committed to the county jail until such fine and costs are paid.

Each fish caught, killed, captured, shipped, offered or received for shipment, sold or offered for sale, or had in possession contrary to the provisions of this Act, and each net or other device used in violation of the provisions of this Act, shall constitute a separate offense.

All fines imposed for a violation of any of the provisions of this Act shall, when collected, be paid to the State Treasurer, by the justice of the peace, clerk of court, or other officer by whom such fine is collected.

§ 61. All prosecutions under the provisions of this Act, except as otherwise herein provided, shall be brought by any person in the name of the People of the State of Illinois against any person or persons violating any of the provisions of this Act, before any justice of the peace of any county (and said justice may, on proper evidence of guilt, bind said violator to the grand jury), or before any court of competent jurisdiction; and it is hereby made the duty of the state's attorneys to see that the provisions of this Act are enforced in their respective counties; and they shall prosecute all offenders upon receiving information of the violation of any of the provisions of this Act; and it is made the duty of the sheriff, constable and police officers, to inform against all persons whom there is a probable cause to believe are guilty of violating any of the provisions of this Act; the amount recovered in any penal action under the provisions of this Act shall be paid into the State treasury.

§ 62. All prosecutions under this Act shall be commenced within one year from the time such offense was committed, and not afterward.

§ 63. It shall be the duty of all sheriffs, deputy sheriffs, coroners, constables, police officers, and all other conservators of the peace to enforce the provisions of this Act.

§ 64. REPORT.] The commission shall make an annual report to the Governor, setting forth the conservation work of the commission during the preceding year, and shall contain any recommendations of the commission for the better attainment of the objects of this law.

§ 65. REPEAL.] An Act entitled, "An Act for the protection of game, wild fowls and birds, and to repeal certain Acts relating thereto," approved April 28, 1903, and in force July 1, 1903, as amended by Act approved May 18, 1905, in force July 1, 1905, as further amended by Act approved May 28, 1907, in force July 1, 1907, as further amended by Act approved June 15, 1909, in force July 1, 1909, as further amended by Act approved June 5, 1911, in force July 1, 1911; and an Act entitled "An Act to revise the law in relation to the propagation and protection of fish in all the waters under the jurisdiction of the State of Illinois," approved June 7, 1911, in force July 1, 1911, and an Act entitled "An Act for the protection of mussels, fresh water clams and shell fish," approved Feb. 24, 1908, in force July 1, 1908, and all Acts and parts of Acts inconsistent herewith are hereby repealed.

APPROVED June 23, 1913

FORESTRY.

FOREST PRESERVE DISTRICTS—INCORPORATION.

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| <p>§ 1. Petition for organization to circuit judge—notice of hearing—hearing—boundaries—submission of proposition.</p> <p>§ 2. Form of ballots—canvass of returns.</p> <p>§ 3. Judicial notice—board of commissioners—co-extensive territory.</p> <p>§ 4. Vacancy in office of president or commissioner.</p> <p>§ 5. Power to create forest preserves.</p> <p>§ 6. Acquisition and disposition of property.</p> <p>§ 7. Speed and traffic regulations.</p> | <p>§ 8. Corporate authorities—employees—civil service—salaries.</p> <p>§ 9. County civil service.</p> <p>§ 10. Records and reports.</p> <p>§ 11. Ordinances, orders and resolutions.</p> <p>§ 12. President of board—powers and duties—passage of ordinances, etc.</p> <p>§ 13. Bond issues—tax limit—general taxes.</p> <p>§ 14. Annexation of territory.</p> <p>§ 15. Repeals Act of 1905.</p> |
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(SENATE BILL NO. 32. APPROVED JUNE 27, 1913.)

AN ACT *to provide for the creation and management of forest preserve districts and repealing certain Acts therein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any area of contiguous territory lying wholly within one county contains one or more natural forests or parts thereof and one or more cities, towns or villages, such territory may be incorporated as a forest preserve district in the following manner, to wit:

Any five hundred legal voters residing within the limits of such proposed district may petition a circuit judge of the county in which such proposed district lies, to cause the question to be submitted to the legal voters of such proposed district whether or not it shall be organized as a forest preserve district under this Act, such petition shall be addressed to the circuit judge or judges of the county in which such proposed forest preserve district is situated and shall contain a definite description of the territory intended to be embraced in such district, and the name of such district. Upon the filing of such petition in the office of the clerk of the circuit court of the county in which such territory is situated, it shall be the duty of such circuit judge, to whom such petition is assigned, to fix a day and hour for the public consideration thereof, which shall not be less than fifteen days after the filing of such petition. Such circuit judge shall cause a notice of the time and place of such public consideration to be published three successive days in some newspaper having a general circulation in the territory proposed to be placed in such district. The date of the last publication of such notice shall not be less than five days prior to the time set for such public hearing. At the time and place fixed for such public hearing said circuit judge shall sit and hear any person owning property in such proposed district who desires to be heard, and if said circuit judge shall find that all of the provisions of this Act have been complied with, he shall cause to be entered upon the records of the

circuit court of such county, an order fixing and defining the boundaries and the name of such proposed district in accordance with the prayer of the petition. In the event that any other petition or petitions for the organization of a forest preserve district or districts in the same county shall be filed under this Act before the time fixed for the public hearing of the first petition, said circuit judge shall postpone the public consideration of the first petition so that the hearing of all said petitions shall be set for the same day and hour. In any county where there are two or more judges sitting at the time of filing such first petitions the clerk of said court shall cause all petitions, filed subsequent to said first petition to be assigned to the judge to whom said first petition is assigned so that all such petitions may be heard by the same judge.

Should two or more petitions be filed under this Act and come on for hearing at the same time and it shall be found by said circuit judge that any of the territory embraced in any one of said petitions is included in or contiguous with the territory embraced in any other petition or petitions; said circuit judge may include all of the territory described in such petitions in one district and shall fix the name proposed in the petition first filed as the name for said district. After the entry of the order fixing and defining the boundaries and the name of such proposed district, it shall be the duty of said circuit judge to order to be submitted to the legal voters of such proposed district at any special or general election held therein, the question of the organization of such proposed district and he shall give notice thereof by causing ten notices of such election to be posted in public places within such proposed district, and one notice thereof to be published at least five days prior to the date of such submission in some newspaper having a general circulation in the proposed district. Said notices shall contain a definite description of the territory intended to be embraced in such district, and the name of such district.

§ 2. The ballots to be used at such election shall be substantially in the following form:

"Shall there be organized a forest preserve district in accordance with the order of the judge of the circuit court of.....county, under the date of the day of, 191..., to be known as (insert here the name of the proposed district as entered in the order of the judge of the circuit court) and described as follows: (Insert description of proposed district as entered in the order of the judge of the circuit court)" [?]	Yes	
	No	

The returns of such election in each of the proposed districts shall be made to the clerk of the circuit court of such county and shall be canvassed by him and he shall cause a statement of the result of such election in each district to be entered upon the records of the circuit court of such county, and if a majority of the votes cast in any district upon

such question is found to be in favor of the organization of such forest preserve district, such forest preserve district shall thenceforth be deemed an organized forest preserve district under this Act.

§ 3. All courts shall take judicial notice of all forest preserve districts organized under this Act. The affairs of such district shall be managed by a board of commissioners consisting of a president and four commissioners, all of whom shall be appointed by the president of the board of county commissioners or the chairman of the board of supervisors of the county in which such forest preserve district is situated, by and with the advice and consent of the members of such board. The first appointment shall be made within ninety days and not sooner than sixty days after such forest preserve district has been organized as provided herein. Each member of such board shall be a legal voter in such district. At the time of the making of the first appointments, the president shall be appointed for a term of four years, two members for a term of two years each and two members for a term of four years each and until their successors are appointed and qualified and at the expiration of the term of the president or any member, his successors shall in like manner be appointed for a term of four years and until his successor is appointed and qualified: *Provided*, that no more than three members of such board shall be of the same political party. Each member of the board before entering upon the duties of his office shall take the oath prescribed by the constitution.

From the time of the appointment of the first board of commissioners, such forest preserve district shall be construed in law and equity a body corporate and politic by the name and style determined as aforesaid and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal estate necessary for its corporate purposes and adopt a seal and alter the same at its pleasure. In case the boundaries of any such district are co-extensive with the boundaries of any county, city, village, incorporated town or sanitary district, the corporate authorities of such county, city, village, incorporated town or sanitary district shall have and exercise the powers and privileges and perform the duties and functions of the commissioners provided for herein and in such case no commissioners shall be appointed for such district. Such corporate authorities shall act without any other pay than that already provided by the law.

§ 4. Whenever any person holding the office of president or commissioner of any such district shall, from any cause, cease to be a legal voter within such district, his office shall thereupon become vacant, and a successor shall be appointed for the remainder of his term as other members of the board of commissioners are appointed.

§ 5. Any forest preserve district organized under this Act shall have the power to create forest preserves, and for that purpose shall have power to acquire, in the manner hereinafter provided, and hold lands containing one or more natural forests or parts thereof, for the purpose of protecting and preserving the flora and fauna and scenic beauties

within such district, and to protect and preserve such lands as nearly as may be in their natural condition for the purpose of the education, pleasure and recreation of the public.

§ 6. The board of commissioners of every such forest preserve district shall have the power to acquire, by gift, grant, devise or purchase, or by condemnation, any and all grounds and lands within such district containing one or more natural forests or parts thereof, for the purpose of creating, laying out and maintaining such forest preserves as it may deem proper or desirable. Such board of commissioners shall have the power to establish, lay out, improve and maintain such convenient and appropriate paths, driveways and roadways in and through such forest preserves as they shall deem desirable or necessary for the use of such forest preserves by the public.

In all cases where any such forest preserve district acquires any land by condemnation, the title thereto shall be in fee simple absolute, and such title shall not terminate or be defeated by cessation or abandonment of the use for which it was acquired. The board of commissioners of any such forest preserve district may, by ordinance passed by the affirmative vote of all of the members of such board, sell and dispose of any lands acquired by such board: *Provided, further, however,* that no such sale or disposal shall be effective until it is approved by the board of county commissioners or board of supervisors of the county in which such district is located.

§ 7. The board of commissioners of any forest preserve district organized hereunder may by ordinance regulate and control the speed of travel on all paths, driveways and roadways within forest preserves, and prohibit the use of such paths, driveways and roadways for racing or speeding purposes, and may exclude therefrom traffic, teams and vehicles, and may by ordinance prescribe such fines and penalties for the violation of their ordinances as cities and villages are allowed to prescribe for the violation of their ordinances.

§ 8. The board of commissioners appointed in pursuance of the provisions of this Act shall be the corporate authority of such forest preserve district and shall have power to pass and enforce all necessary ordinances, rules and regulations for the management of the property and conduct of the business of such district. Such board shall have power to appoint a secretary and treasurer and such other officers and such employees as may be necessary, all of whom, except the treasurer and attorneys shall be under civil service rules and regulations, as provided for by section 9 of this Act.

The president shall receive a salary not to exceed the sum of twenty-five hundred dollars per annum and the salary of other members of the board shall not exceed fifteen hundred dollars per annum. Salaries of the commissioners, officers and employees shall be fixed by ordinance.

§ 9. Whenever the county in which any such forest preserve district is located shall be governed by any law regulating its civil service and the method of selecting its employees, in every such case all employees of such forest preserve district except the treasurer and attorneys shall be

selected in the manner provided by the law regulating the civil service in such county and all such employees shall be subject at all times to the provisions of such Act.

§ 10. The board of commissioners shall keep a record of all ordinances and other proceedings which shall be open to the inspection of any person residing in such district at all reasonable and proper times. The board of commissioners shall report annually to the board of county commissioners or the board of supervisors of the county in which such district is located, the revenues received, expenditures made, land acquired, with the progress of construction work, the condition of the property and such other matters as may have been acted upon by the board during the previous year.

§ 11. All ordinances imposing any fine or penalty or making any appropriation of money, shall within ten days after their passage, be published at least once in some newspaper published in such district or having a general circulation therein to be designated by the board of commissioners and no such ordinance shall take effect until ten days after it is so published. All other ordinances and all orders or resolutions shall take effect from and after their passage unless otherwise provided therein. All ordinances, orders and resolutions and the date of publication thereof may be proven by the certificate of the secretary of such district under the seal of the corporation and when printed in book [or] pamphlet form and published by authority of such board of commissioners, such book or pamphlet shall be received as evidence of the passage and publication of such ordinances, orders and resolutions as of the date mentioned in such book or pamphlet in all courts and places without further proof.

§ 12. The president of the board of commissioners of any district organized hereunder, shall preside at all meetings of the board and be the executive officer of such district: he shall sign all ordinances, resolutions and other papers necessary to be signed and shall execute all contracts entered into by such district and perform such other duties as may be prescribed by ordinances. He shall have the right to veto any ordinance: *Provided*, that such veto shall be filed with the secretary of such board within five days after the passage of such ordinance and when so vetoed such ordinance shall not be effective unless the same be again passed by the unanimous vote of all the members of such board. The president shall be entitled to vote only in case of a tie. In the temporary absence or inability of the president, the commissioners may elect from their own number a president *pro tem*.

The "yeas" and "nays" shall be taken upon the passage of all ordinances and all proposals to create any liability or for the expenditure or appropriation of money and in all other cases at the request of any member of the board and shall be entered on the journal of the board's proceedings, and the concurrence of a majority of all the members appointed to the board shall be necessary to the passage of any such ordinance or provision.

§ 13. The board of commissioners of any forest preserve district organized hereunder shall have power to raise money by general taxation for any of the purposes enumerated in this Act, and power to borrow money upon the faith and credit of such district and to issue bonds therefor: *Provided, however,* such district shall not become indebted in any manner or for any purpose, to an amount including existing indebtedness in the aggregate exceeding one per centum of the assessed value of the taxable property therein as ascertained by the last equalized assessment for State and county purposes. Before or at the time of issuing bonds, the board of commissioners shall provide, by ordinance, for the collection of an annual tax sufficient to pay the interest on such bonds as it falls due, and to pay such bonds as they mature, and said tax to so pay the interest on said bonds as it falls due and to pay said bonds as they mature, shall not be permitted to increase the taxing power of said district as herein provided for. All bonds issued by any forest preserve district shall be divided into series, the first of which shall mature not later than five years after the date of issue, and the last of which shall mature not later than twenty years after the date of issue.

All general taxes levied by the board of commissioners of any forest preserve district shall be levied at the same time and in the same manner as taxes are levied for city and village purposes: *Provided,* that the amount of taxes levied for any one year shall not exceed the rate of one mill on each dollar. All moneys collected under the provisions of this Act shall be paid to the treasurer of such district.

§ 14. Any territory adjoining any forest preserve district organized hereunder may become a part of such district in the following manner: Upon the filing with the county judge of the county in which such district is located, of a petition signed by not less than ten per cent of the legal voters residing within the territory proposed to be annexed, such county judge shall submit at the next general election held in the territory so proposed to be annexed, the question of such annexation, and if a majority of the votes cast upon such question shall be in favor of such annexation, when such votes are canvassed in the manner provided for the canvass of the votes upon the creation of a forest preserve district, such territory so proposed to be annexed shall become and be a part of such forest preserve district.

§ 15. An Act to provide for the creation of forest preserve districts, approved May 18, 1905, in force July 6 [1], 1905, is hereby repealed.

APPROVED June 27, 1913.

GENERAL ASSEMBLY.

JOINT LEGISLATIVE REFERENCE BUREAU.

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| <p>§ 1. Establishment—membership.</p> <p>§ 2. Terms of members.</p> <p>§ 3. Meetings—no compensation to members—expenses.</p> <p>§ 4. Secretary, officers and employees—salary of secretary.</p> <p>§ 5. Duties of reference bureau.</p> | <p>§ 6. State departments to make duplicate report of appropriations for biennium.</p> <p>§ 7. Offices at State Capitol—furniture and supplies.</p> <p>§ 8. Cooperation with State library.</p> <p>§ 9. Payment of expenses.</p> |
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(SENATE BILL NO. 274. APPROVED JUNE 26, 1913.)

AN ACT to establish a joint legislative reference bureau and to define the powers and duties thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby established a joint legislative reference bureau composed of the Governor, the chairman of the committees on appropriations of the Senate and of the House, the chairman of the committees on judiciary of the Senate and of the House. The Governor shall be *ex officio* chairman of said reference bureau.

§ 2. The Governor shall serve as a member of said reference bureau during the term of office for which he shall have been elected, and those members serving on said reference bureau by virtue of being chairmen of committees of either House shall serve until the convening of the next General Assembly after their appointment.

§ 3. The said reference bureau shall meet during the regular and special sessions of the General Assembly and during the intervals between the regular sessions, and at such times and places as it may determine. The members of the bureau shall receive no compensation for their services as members thereof, but shall be allowed their actual and necessary expenses incurred in the performance of their official duties out of any money appropriated for the use of the said reference bureau.

§ 4. The said reference bureau shall appoint a secretary, who shall devote his entire time to the duties of his office and shall follow no other gainful profession, occupation or employment. The reference bureau shall also appoint such other officers, agents and employees as may be necessary to carry out the provisions of this Act, and shall fix the compensation of each of its appointees: *Provided*, the salary of the secretary be fixed at a sum not to exceed five thousand dollars (\$5,000) per annum.

§ 5. It shall be the duty of said reference bureau: a. To establish in the State Capitol a reference bureau, which shall be open daily, excepting Sundays and legal holidays, in which shall be collected and kept, in such manner as may make the same readily accessible, such laws, reports, books, periodicals, documents, catalogues, check-lists, digests,

summaries of the laws of other states upon current legislation, and such other printed or written matter as may aid the members of the General Assembly in the performance of their official duties;

b. The reference bureau shall collect, catalogue, classify, index, completely digest, topically index, check-list and summarize all bills, memorials, resolutions and orders, as well as substitutes and amendments and changes, if any, introduced in each branch of the General Assembly, as soon as practicable after the same shall have been printed, and shall furnish copies of the digest indexed and topically indexed to each member of the General Assembly on Monday of each week during the session of the General Assembly;

c. The said reference bureau shall afford to any member of the General Assembly, upon his request, such legal assistance and information as may be practicable in the preparation of bills, memorials, resolutions, orders and amendments, alterations, changes thereto, and revisions and substitutes thereof, proposed to be introduced into the General Assembly by said member;

d. To cause to be prepared, printed and distributed for the use of the members of the General Assembly, a detailed budget of the appropriations which the officers of the several departments of the State Government report to it are required for their several departments for the biennium for which appropriations are to be made by the next General Assembly, together with a comparative statement of the sums appropriated by the preceding General Assembly for the same purposes.

§ 6. The officers of the several departments of the State government shall make duplicate reports by the first day of November next preceding the convening of the next regular session of the General Assembly of the appropriations which are required for their several departments for the biennium for which appropriations are to be made by such General Assembly. One of said duplicate reports shall be filed with the Governor, and the other with the secretary of said reference bureau.

§ 7. The Secretary of State shall provide said reference bureau with suitable offices in the State Capitol, convenient to the place of meeting of the General Assembly, and shall further provide said reference bureau with the necessary furniture, stationery and supplies.

§ 8. The board of commissioners for the management of the State Library shall coöperate with the said reference bureau and shall make the facilities of said library accessible, so far as practicable, for the use of said reference bureau, and are hereby authorized to loan to said reference bureau any books, periodicals, documents, reports or other printed or written matter belonging to said library.

§ 9. All proper expenses incurred by said reference bureau shall be paid out of the appropriations made for its use upon itemized vouchers, drawn by the secretary and approved by the Governor.

APPROVED June 26, 1913.

INN-KEEPERS.

FIRE-ESCAPES AND SAFETY APPLIANCES.

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| <p>§ 1. To what buildings Act applies.</p> <p>§ 2. Outside fire-escapes—openings to landings—way of egress.</p> <p>§ 3. Ropes in upper bedrooms—automatic rope fire-escapes—exceptions.</p> <p>§ 4. Notices posted.</p> | <p>§ 5. Elevator shaft equipment—"fireproof construction" interpreted.</p> <p>§ 6. Inside court equipment—chemical extinguishers and fire axes.</p> <p>§ 7. Penalty for violations.</p> <p>§ 8. Prosecutions by state's attorney.</p> <p>§ 9. Repeal.</p> |
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(HOUSE BILL NO. 722. APPROVED JUNE 26, 1913.)

AN ACT relating to fire-escapes in hotels, inns and public lodging houses, and providing that such buildings shall be equipped with appliances for the safety of guests in case of fire and providing penalties for the violation of the provisions thereof, and repealing all Acts and parts of Acts in conflict therewith.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Every building or structure kept, used or maintained as an inn, hotel or public lodging house, or place where sleeping accommodations are furnished for hire to transient guests, whether with or without meals, in which ten (10) or more rooms are used for the accommodation of such guests, shall, for the purpose of this Act, be defined to be a hotel, and licensed as such, and whenever the word hotel shall occur in this Act it shall be construed to mean every such structure as is described in this section.

§ 2. Every hotel that is three or more stories high shall be provided with an iron stairway fire-escape, well fastened and secured on the outside of the building, connected on each floor above the first with at least one opening, with landings not less than six feet in length and three feet in width, guarded by an iron railing not less than three feet in height. Such landings shall be connected by iron stairs not less than two feet wide and with steps of not less than six inches tread, placed at an angle of not more than forty-five degrees and protected by a well-secured hand rail on both sides and reaching to within eight feet of the ground, or provided with a counterbalance that will reach the ground. Such fire escapes shall be sufficient if a perpendicular iron ladder shall be used instead of the stairs, provided such iron ladder is placed at the extreme outside of the platform and at least three feet away from the wall of [the] building, and provided said ladder is equipped with round iron rounds not more than fifteen inches apart. The way of egress to such fire escapes shall at all times be kept free and clear of all obstructions of any and every nature.

§ 3. Any person, persons or corporations, keeping, maintaining, controlling or managing any building or structure kept, used or maintained as an inn, hotel, public lodging house, or place where sleeping

accommodations are furnished to the public, whether with or without meals, shall supply and shall keep at all times, and in plain sight, and securely attached therein and thereto, in every bedroom or sleeping apartment, on second floor, and above the second floor, a manilla rope, not less than five-eighths of an inch in diameter with knots not more than fifteen inches apart, and of sufficient strength to sustain a weight and strain of at least five hundred pounds, and of sufficient length to reach the ground. Upon failure to supply such ropes such person, persons, or corporations shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars, nor more than one hundred dollars: *Provided, however*, that nothing in this section will be construed to prevent the use of any automatic rope fire-escape, in place of the knotted rope: *Provided, further*, that the provisions of this Act relating to outside fire-escapes and ropes or automatic appliances, shall not apply to hotels of fire-proof construction.

§ 4. In every such hotel there shall be posted and maintained notices, printed in black ink on white paper or cardboard, with type not less than four inches in height, at the entrance to each hall, stairway and elevator shaft, and in each bedroom or sleeping apartment above the ground floor giving directions how to reach the fire escapes, and there shall be posted and maintained in each bedroom or sleeping apartment above the ground floor, except in hotels which are of approved fire-proof construction, notices printed in type, not less than one-half an inch in height, calling attention to the rope therein, and giving directions how to use it.

§ 5. In every hotel, excepting hotels which are of approved fire-proof construction, which is equipped with an elevator or elevators, that portion of the shaft or shafts thereof which extends below the level of the first floor, shall be enclosed with an iron or steel sheeting or other fireproof material as nearly air tight as practicable, with tight doors to the shaftway, the door to be made, as far as practicable, of wire glass, or in lieu of such construction such elevators shall be provided with an automatic floor trap at the first floor in each elevator shaft; each or either of such appliances shall be constructed in the most approved manner for the prevention of spread of fire by means of such elevator shaft.

The owner or owners of any hotel not of fireproof construction falsely advertising said building to be of fireproof construction, shall in the event of fire and loss of life or injuries to the person of any guest or guests by reason thereof be liable for damages for such loss of life or injuries to the person. The words "fireproof construction" shall be interpreted to mean that the building is constructed either of re-inforced concrete, steel with tile covering, or heavy fire walls with steel girders, and that no joist, girders, beams or supports are of wood. The doors, window frames and sashes may be constructed of wood.

§ 6. The owner, proprietor, manager or person in charge of every hotel, except in hotels which are of approved fireproof construction, now or hereafter constructed with an inside court or light well and with the

sleeping rooms or sleeping apartments the only windows of which open upon or into such court or light well, unless the said court or light well extends to the ground floor, shall cause the roof or covering to such court or light well to be supplied with a trap door or other opening, and be provided with a rope or other ladder of sufficient length to reach from such door or opening to the ground floor and to the roof, of said hotel building, said rope or ladder to be so placed as to be of easy access from every window opening on said court or light well, and of sufficient strength to sustain a weight or strain of at least five hundred pounds, so as to enable those escaping in case of fire to such court or light well to reach the ground floor. That there shall be on each floor chemical fire extinguishers and fire axes located conveniently near to exits to fire-escapes.

§ 7. Any owner, lessee or occupant, proprietor, manager, or person in charge of any hotel building who shall fail to place, or cause to be placed upon such building, such fire-escape or escapes as are required by this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five nor more than one hundred dollars, and shall stand committed to the county jail until such fine is paid, and shall be subject to the further fine of fifty dollars for each additional week of neglect and failure to comply with this Act.

§ 8. For the purpose of carrying into effect the provisions of this Act, it shall be the duty of the State's attorneys of the several counties, upon complaint being made, to prosecute all persons violating any of the provisions hereof.

§ 9. All Acts or parts of Acts which are in conflict with the provisions of this Act, are hereby repealed.

APPROVED June 26, 1913.

HOTELS, INNS AND PUBLIC LODGING HOUSES.

§ 1. Application of Act—definition.

§ 2. How bids provided.

§ 3. Towels.

§ 4. Fumigation of rooms.

§ 5. Sanitary rules established by State Board of Health.

§ 6. Penalty for violations.

§ 7. Copies of Act posted in each room.

§ 8. Repeal.

(SENATE BILL NO. 22. APPROVED JUNE 25, 1913.)

AN ACT *relating to hotels, inns and public lodging houses in cities, villages and incorporated towns in the State of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Every building or structure kept, used or maintained as, or advertised as, or held out to the public to be an inn, hotel or public lodging house or place where sleeping accommodations are furnished for hire to transient guests, whether with or without meals in which ten (10) or more rooms are used for accom-

modation of guests shall, for the purpose of this Act, be defined to be a hotel and whenever the word hotel shall occur in this Act it shall be construed to mean every such structure as in [is] described in this section.

§ 2. All beds for the accommodation of guests in any hotel shall be provided with sufficient supply of clean bedding and with clean sheets each of which shall be at least eighty-one inches wide and ninety-nine inches long. All beds shall be provided with clean sheets as often as the same shall be assigned to different persons.

§ 3. Each and every hotel having a public washroom shall keep therein at all times a sufficient supply of individual clean towels in a place in sight of, and easy [of] access to guests. Also, at least two clean towels in each room, each day.

§ 4. Whenever any room in any hotel shall have been occupied by any person having a contagious or infectious disease, the said room shall be thoroughly fumigated and all bedding therein thoroughly disinfected before said room shall be occupied by any other person, but in any event, such room shall not be let to any person for at least forty-eight hours after such fumigation or disinfection.

§ 5. Every hotel shall be well drained, constructed, and plumbed according to sanitary rules to be established by the State Board of Health and shall be kept clean and in a sanitary condition and free from effluvia arising from any sewer, drain, privy or other source within the control of the owner, manager, agent or other person in charge; and shall be provided with water closets or privies properly screened for the separate use of males and females, which water closets or privies shall be disinfected as often as may be necessary to keep them at all times, in a sanitary condition.

§ 6. Every owner, manager, agent or person in charge of a hotel who shall fail to comply with any of the provisions of this Act, shall be deemed guilty of a misdemeanor and shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or shall be imprisoned in the county jail for not less than ten days nor more than three months or both, and every day that such hotel is carried on in violation of this Act shall constitute a separate offense.

§ 7. That [the] State Board of Health shall cause to be printed and shall forward to each hotel, inn, and public lodging house coming under the provisions of this Act, a sufficient number of copies of this Act, so as to enable the management of the said hotel, inn, or public lodging house to post one notice in a conspicuous place in each room used for lodging purposes, and the said management shall cause the said notices so sent to be posted as provided for in this section.

§ 8. All Acts and parts of Acts inconsistent herewith are hereby repealed.

APPROVED June 25, 1913.

INSURANCE.

FIRE, LIGHTNING, WIND, RAIN, ETC.—EXTENSION OF SPECIAL CHARTERS.

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| <p>§ 1. Extension of powers under special charters authorized.</p> <p>§ 2. Adoption of resolution—certificate of adoption filed with recorder of deeds and Secretary of State.</p> | <p>§ 3. Policies unaffected.</p> |
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(SENATE BILL NO. 428. APPROVED JUNE 30, 1913.)

AN ACT to authorize insurance companies, incorporated under special charters enacted by the Legislature of Illinois, and empowered to insure against loss or damage by fire, lightning, wind, rain, flood, tornado, or by any of said causes, to extend the time of their corporate existence.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any insurance company heretofore incorporated by special charter from the State of Illinois, and which is empowered by such special charter to insure against loss or damage by fire, lightning, wind, rain, flood, tornado, or against loss or damage from any or either of said causes, and whose corporate existence is limited in time by such special charter, may continue its corporate existence and powers under such special charter beyond the time limit in such special charter, for a period not exceeding ninety-nine years, in the manner herein provided.

§ 2. Any insurance company specified in section one (1) of this Act, desiring to extend its corporate existence as herein provided, shall at a meeting of its directors, or other governing body provided for in its charter, held not later than six months prior to the expiration of the time limited in its charter for its corporate existence, by resolution, declare its intention to so extend its corporate existence, which resolution shall specify the period of time, beyond the expiration of its corporate existence as prescribed by its special charter, during which its corporate existence shall continue, and shall be adopted by a vote of a majority of the directors or members of its governing body, and shall recite that it is adopted in pursuance of the provisions of this Act. A certificate of the adoption of such resolution, containing a copy of such resolution and verified by the affidavit of the president of such insurance company, and under the seal of such insurance company, shall be filed for record in the office of the recorder of deeds, in the county where such company has its principal office; a like certificate shall be filed in the office of the Secretary of State, and thereupon the corporate existence of such insurance company shall be extended as in such resolution provided.

§ 3. All policies of insurance outstanding, of any insurance company extending its corporate existence as provided in this Act, shall remain in full force and effect, unaffected and unmodified by such extension of corporate existence.

APPROVED June 30, 1913.

FRATERNAL BENEFICIARY SOCIETIES—ACT OF 1893 AMENDED.

§ 1. Amends section 1, Act of 1893.

§ 2. [1]. As amended, prohibits voting by proxy and adds provision concerning beneficiary by agreement to support member.

(HOUSE BILL NO. 302. APPROVED JUNE 28, 1913.)

AN ACT to amend section one (1) of an Act entitled, "An Act to provide for the organization and management of fraternal beneficiary societies for the purpose of furnishing life indemnity or pecuniary benefits to beneficiaries of deceased members, or accident or permanent indemnity disability to members thereof; and to control such societies of this State and of other states doing business in this State, and providing and fixing the punishment for violation of the provisions thereof and to repeal all laws now existing which conflict therewith," approved and in force June 22, 1893, as amended by an Act approved June 21, 1895, in force July 1, 1895, as amended by an Act approved and in force May 27, 1897, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved May 23, 1907, in force July 1, 1907, as amended by an Act approved June 4, 1909, in force July 1, 1910, as amended by an Act approved May 23, 1912, in force July 1, 1912.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section one (1) of an Act entitled, "An Act to provide for the organization and management of fraternal beneficiary societies for the purpose of furnishing life indemnity or pecuniary benefits to beneficiaries of deceased members, or accident or permanent indemnity disability to members thereof; and to control such societies of this State and of other states doing business in this State, and providing and fixing the punishment for violation of the provisions thereof and to repeal all laws now existing which conflict therewith," approved and in force June 22, 1893, as amended by an Act provided [approved] June 21, 1895, in force July 1, 1895, as amended by an Act approved and in force May 27, 1897, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved May 23, 1907, in force July 1, 1907, as amended by an Act approved June 4, 1909, in force July 1, 1910, as amended by an Act approved May 23, 1912, in force July 1, 1912, be amended to read as follows:

§ 2. [1] DECLARED TO BE A CORPORATION — FUNDS — BENEFITS — LODGE SYSTEM—RELIGIOUS OR CHARITABLE INSTITUTIONS.] A fraternal beneficiary society is hereby declared to be a corporation, society or association formed, organized or carried on for the sole benefit of its members and their beneficiaries, and not for profit. Each society shall have a lodge system, with ritualistic form of work and representative form of government, and may make provisions for the payment of benefits in case of disability and death, or of either, resulting from either disease, accident or old age of its members. In all meetings of any such society, organized under this law or heretofore organized, no member shall be allowed to cast more than one vote in any election of its officers, or on any question submitted therein, and the members, officers, repre-

sentatives or delegates of a fraternal beneficiary society shall not vote by proxy. Any such society, order or association may create, maintain and disburse a reserve fund in accordance with its constitution and by-laws. Such reserve fund, if any shall represent certain prescribed accumulations or percentage, retained for the benefit of its members or their beneficiaries, and no part thereof shall be used for expenses, nor for any purpose except the payment of death and disability claims. The payment of such benefits in all cases being subject to compliance by the member with the contract rules and laws of society: *Provided*, the period in life at which payment of physical disability benefits on account of age may commence shall not be under seventy (70) years. The fund from which the payments of such benefits shall be made, and the fund from which the expenses of such society shall be defrayed, shall be derived from assessments or dues collected from its members. Payments of death benefits shall only be paid to the families, heirs, blood relations, affianced husband or affianced wife of, or to persons dependent upon the member: *Provided*, that a member who is totally and permanently disabled either from accident, disease or old age, or is without means of support, may, with the consent of the society, if the by-laws so provide, make a charitable institution, trust company, the lodge or subordinate body of the society of which he is a member, or any person or persons entering into an agreement in writing in manner and form satisfactory to said society, to support such member, the beneficiary in his certificate: *Provided*, that a member having no wife or children living may, with the consent of the society, make a charitable institution his beneficiary: *Provided, however*, that societies formed to include only the membership of any religious denomination may be permitted to provide that benefits under their certificates of membership may be paid to religious or charitable institutions. The members of any religious denomination may incorporate under this Act, and shall only be required to have a lodge or branch system and a representative form of government.

Membership in such corporation shall be confined to the members of such religious organization. Commercial travelers shall also be allowed to incorporate under the provisions of this Act, but membership of such incorporation shall be confined to those actively engaged as commercial travelers, and officers, buyers or sellers for corporations, associations and co-partnerships, or individuals who employ commercial traveling men. Such commercial travelers' incorporation shall have a lodge or branch system and representative form of government. All such societies shall be governed by this Act, and shall be exempt from the provisions of all insurance laws in this State, and no law hereafter passed shall apply to them unless they be expressly designated therein: *Provided*, that this Act shall not be constructed [construed] to prevent any society having a supreme lodge with separate jurisdiction, which by their law provide for a general relief or reserve fund, for making assessments to pay its *pro rata* share of such relief or reserve fund, or from receiving their *pro rata* of any such fund.

APPROVED June 28, 1913.

LIENS.

MECHANICS' LIENS—ACT OF 1903 AMENDED.

§ 1. Amends sections 1, 7 and 21, Act of 1903.

§ 1. When lien given—amendment includes concrete, cement, etc.

§ 7. Limitation as against third parties—claim for lien—what shall consist of—when claim may be filed and when amended—as to errors in proof of delivery of material, not used, sufficient—delivery of material at one building good for all buildings.

§ 21. Sub-contractors—liens of sub-contractors—who are—extent of their liens superior to creditors or contractors on money due contractors—duty of owner and contractor to file notice of waiver of lien—limit of owner's liability—owner liable for sub-contracts performed after notice thereof—rights of in case contractor default—may complete if contractor abandons.

(SENATE BILL NO. 216. APPROVED JUNE 16, 1913.)

AN ACT to amend section 1, section 7 and section 21 of "An Act to revise the law in relation to mechanics' liens, to whom, what for, and when lien is given; who is a contractor; area covered by and extent of lien; when the lien attaches," approved May 18, 1903, in force July 1, 1903, L. 1903.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section 1, section 7 and section 21 of an Act entitled, "An Act to revise the law in relation to mechanics' liens, to whom, what for, and when lien is given; who is a contractor; area covered by and extent of lien; when the lien attaches," approved May 18, 1903, in force July 1, 1903, be and the same is hereby revised and amended so as to read as follows:

§ 1. WHEN LIEN GIVEN.] That any person who shall by any contract or contracts, express or implied, or partly expressed or implied, with the owner of a lot or tract of land, or with one whom such owner has authorized or knowingly permitted to contract for the improvement of, or to improve the same, furnish material, fixtures, apparatus or machinery, forms or form work used in the process of construction where cement, concrete or like material is used for the purpose of or in the building, altering, repairing or ornamenting any house or other building, walk or sidewalk, whether such walk or sidewalk be on the land or bordering thereon, driveway, fence or improvement or appurtenances thereto on such lot or tract of land or connected therewith, and upon, over or under a sidewalk, street or alley adjoining; or fill, sod or excavate such lot or tract of land, or do landscape work thereon or therefor; or raise or lower any house thereon or remove any house thereto; or perform services as an architect for any such purpose; or furnish or perform labor or services as superintendent, timekeeper, mechanic, laborer or otherwise, in the building, altering, repairing or ornamenting of the same; or furnish material, fixtures, apparatus, machinery, labor or services, forms or form work used in the process of construction where concrete, cement or like material is used, on

the order of his agent, architect or superintendent having charge of the improvements, building, altering, repairing or ornamenting the same, shall be known under this Act as a contractor, and shall have a lien upon the whole of such lot or tract of land and upon the adjoining or adjacent lots or tracts of land of such owner constituting the same premises and occupied or used in connection with such lot or tract of land as a place of residence or business; and in case the contract relates to two or more buildings, on two or more lots or tracts of land, upon all such lots and tracts of land and improvements thereon for the amount due to him for such material, fixtures, apparatus, machinery, services or labor, and interest from the date the same is due. This lien shall extend to an estate in fee, for life, for years, or any other estate or any right of redemption, or other interest which such owner may have in the lot or tract of land at the time of making such contract or may subsequently acquire therein, and shall be superior to any right of dower of husband or wife in said premises, provided the owner of such dower interest had knowledge of such improvement and did not give written notice of his or her objection to such improvement before the making thereof; nor shall the taking of additional security by the contractor or sub-contractor be a waiver of any right of lien which he may have by virtue of this Act, unless made a waiver by express agreement of the parties; and this lien shall attach as the date of the contract.

§ 7. LIMITATION AS AGAINST THIRD PARTIES—CLAIM FOR LIEN—WHAT SHALL CONSIST OF—WHEN CLAIM MAY BE FILED AND WHEN AMENDED—AS TO ERRORS IN—PROOF OF DELIVERY OF MATERIAL, NOT USE, SUFFICIENT—DELIVERY OF MATERIAL AT ONE BUILDING GOOD FOR ALL BUILDINGS.] No contractor shall be allowed to enforce such lien against or to the prejudice of any other creditor or incumbrancer or purchaser, unless within four months after completion, or if extra or additional work is done or material is delivered therefor within four months after the completion of such extra or additional work or the final delivery of such extra or additional material, he shall either bring suit to enforce his lien therefor or shall file with the clerk of the circuit court in the county in which the building, erection or other improvement to be charged with the lien is situated, a claim for lien, verified by the affidavit of himself, or his agent or employee, which shall consist of a brief statement of the contract, the balance due after allowing all credits, and a sufficiently correct description of the lot, lots or tracts of land to identify the same. Such claim for lien may be filed at any time after the contract is made, and as to the owner may be filed at any time after the contract is made and within two years after the completion of said contract, or the completion of any extra work or the furnishing of any extra material thereunder, and as to such owner may be amended at any time before the final decree. No such lien shall be defeated to the proper amount thereof because of an error or overcharging on the part of any person claiming a lien therefor under this Act, unless it

shall be shown that such error or overcharge is made with intent to defraud; nor shall any such lien for material be defeated because of lack of proof that the material after the delivery thereof, actually entered into the construction of such building or improvement, although it be shown that such material was not actually used in the construction of such building or improvement: *Provided*, it is shown that such material was delivered either to said owner or his agent for such building or improvement, to be used in said building or improvement, or at the place where said building or improvement was being constructed, for the purpose of being used in construction or for the purpose of being employed in the process of construction as a means for assisting in the erection of the building or improvement in what is commonly termed forms or form work where concrete, cement or like material is used, in whole or in part.

And, provided further, that in case of the construction of a number of buildings under contract between the same parties, it shall be sufficient in order to establish such lien for material, if it be shown that such material was in good faith delivered at one of the said buildings for the purpose of being used in the construction of any one or all of such buildings, or delivered to the owner or his agent for such buildings, to be used therein; and such lien for such material shall attach to all of said buildings, together with the land upon which the same are being constructed, the same as in a single building or improvement. *And, provided further*, that in the event the contract relates to two or more buildings on two or more lots or tracts of land, then all of said buildings and lots or tracts of land may be included in one statement of claim for a lien.

§ 21. SUB-CONTRACTORS—LIENS OF SUB-CONTRACTORS—WHO ARE—EXTENT OF THEIR LIENS SUPERIOR TO CREDITORS OR CONTRACTORS ON MONEY DUE CONTRACTORS—DUTY OF OWNER AND CONTRACTOR TO FILE NOTICE OF WAIVER OF LIEN—LIMIT OF OWNER'S LIABILITY—OWNER LIABLE FOR SUB-CONTRACTS PERFORMED AFTER NOTICE THEREOF—RIGHTS OF IN CASE CONTRACTOR DEFAULT MAY COMPLETE, IF CONTRACTOR ABANDONS:] Every mechanic, workman or other person who shall furnish any materials, apparatus, machinery or fixtures, or furnish or perform services or labor for the contractor, or shall furnish any material to be employed in the process of construction as a means for assisting in the erection of the building or improvement in what is commonly termed form or form work where concrete, cement or like material is used in whole or in part, shall be known under this Act as a sub-contractor, and shall have a lien for the value thereof, with interest on such amount from the date the same is due, from the same time, on the same property as provided for the contractor, and, also, as against the creditors and assignees, and personal and legal representatives of the contractor, on the material, fixtures, apparatus or machinery furnished, and on the moneys or other considerations due or to become due from

the owner under the original contract. If the legal effect of any contract between the owner and contractor is that no lien or claim may be filed or maintained by any one, such provision shall be binding; but the only admissible evidence thereof as against a sub-contractor or material man, shall be proof of actual notice thereof to him before any labor or material is furnished by him; or proof that a duly written and signed stipulation or agreement to that effect has been filed in the office of the recorder of deeds of the county or counties where the house, building or other improvement is situated, prior to the commencement of the work upon such house, building or other improvement, or within ten days after the execution of the principal contract or not less than ten days prior to the contract of the sub-contractor or material man. And the recorder of deeds shall record the same at length in the order of time of its reception in books provided by him for that purpose, and the recorder of deeds shall index the same, in the name of the contractor and in the name of the owner, in books kept for that purpose, and also in the tract or abstract book of the tract, lot, or parcel of land, upon which said house, building or other improvement is located, and said recorder of deeds shall receive therefor a fee, such as is provided for the recording of instruments in his office.

In no case, except as hereinafter provided, shall the owner be compelled to pay a greater sum for or on account of the completion of such house, building or other improvement than the price or sum stipulated in said original contract or agreement, unless payment be made to the contractor or to his order, in violation of the rights and interests of the persons intended to be benefited by this Act: *Provided*, if it shall appear to the court that the owner and contractor fraudulently, and for the purpose of defrauding sub-contractors fixed an unreasonably low price in their original contract for the erection or repairing of such house, building or other improvement, then the court shall ascertain how much of a difference exists between a fair price for labor and material used in said house, building or other improvement, and the sum named in said original contract, and said difference shall be considered a part of the contract and be subject to a lien. But where the contractor's statement, made as provided in section five (5), shows the amount to be paid to the sub-contractor, or party furnishing material, or the sub-contractor's statement, made pursuant to section twenty-two (22), shows the amount to become due for material; or notice is given to the owner, as provided in sections twenty-four (24) and twenty-five (25), and thereafter such sub-contract shall be performed, or material to the value of the amount named in such statements or notice, shall be prepared for use and delivery, or delivered without written protest on the part of the owner previous to such performance or delivery, or preparation for delivery, then, and in any of such cases, such sub-contractor or party furnishing or preparing material, regardless of the price named in the original contract, shall have a lien therefor to the extent of the amount named in such statements or notice. Also, in case of default or abandonment by the contractor, the sub-contractor or

party furnishing material, shall have and may enforce his lien to the same extent and in the same manner that the contractor may under conditions that arise as provided for in section four (4) of this Act, and shall have and may exercise the same rights as are therein provided for the contractor.

APPROVED June 16, 1913.

MEDICINE AND SURGERY.

REGISTRATION OF NURSES—REVISION.

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| <p>§ 1. Illinois State Board of Nurse Examiners—qualifications—term of office—vacancy on board—oath of office.</p> <p>§ 2. Officers—duties—course of instruction—inspection of schools—seal—register of nurses—prosecutions—expenses—compensation.</p> <p>§ 3. Quorum—rules for examination—course of instruction—inspection of schools for nurses—list of accredited schools for nurses—certificate and publication of modification of rules.</p> <p>§ 4. Meetings of board—notice in public press—examination of applicants—issuance of certificates—registration in county clerk's office—revocation of certificate for failure to register.</p> <p>§ 5. Certificates.</p> <p>§ 6. County clerk to keep registration book.</p> | <p>§ 7. Qualifications of applicants for registration—written application—fee—examinations—registration of certificates of other states.</p> <p>§ 8. When special course sufficient for registration.</p> <p>§ 9. Unlawful to practice as registered nurse without certificate.</p> <p>§ 10. Penalty.</p> <p>§ 11. Revocation of certificate—renewal.</p> <p>§ 12. Appeal to circuit court from certain rulings of board.</p> <p>§ 13. Exemption from jury service.</p> <p>§ 14. To whom does not apply.</p> <p>§ 15. Repeal of Act of May 2, 1907—board to succeed to obligations, funds and business of State Board of Examiners of Registered Nurses.</p> |
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(HOUSE BILL NO. 499. APPROVED JUNE 30, 1913.)

AN ACT entitled, "*An Act to provide for the registration of nurses and to repeal a certain Act therein named.*"

SECTION 1. ILLINOIS STATE BOARD OF NURSE EXAMINERS—QUALIFICATIONS—TERM OF OFFICE—VACANCY ON BOARD—OATH OF OFFICE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a board of examiners to consist of five (5) registered nurses to be known as the Illinois State Board of Nurse Examiners is hereby created whose duty it shall be to carry out the provisions of this Act as hereinafter specified. The members of the said board shall within thirty days after this Act shall be in force and effect be appointed by the Governor, by and with the advice and consent of the Senate and at the time of their appointment they must be actual residents of the State of Illinois. They shall be selected from persons engaged in active work appertaining to nursing of the sick, who shall have been graduated for at least a period of five (5) years from a school for nurses in good standing and who, during their course of training, shall have served for two years in a general hospital, and who shall have been registered under the pro-

visions of either this Act or the Act herein repealed. Three members of the board shall be selected from nurses who have had at least two (2) years' experience in educational work among nurses. The term for which the members of said board shall hold office shall be three (3) years and until their successors are duly appointed: *Provided, however*, that the terms of the several members composing the first board named under this Act, as designated by the Governor, shall expire as follows: One thereof on December 31, 1914, two thereof on December 31, 1915, and two thereof on December 31, 1916. In case of a vacancy occurring on said board, such vacancy shall be filled by the Governor as herein provided, within thirty days after being notified of any such vacancy, and the member so appointed by the Governor to fill a vacancy shall serve for the unexpired portion of the term so vacated. When the Senate is not in session, the Governor may make appointments to fill vacancies, but all such appointments so made, when the Senate is not in session, shall be subject to confirmation by the Senate at its next session, before becoming permanent. Each member before entering upon the duties of the office shall take the oath prescribed by the Constitution of this State for State officers. Said oath shall be filed in the office of the Secretary of State.

§ 2. OFFICERS—DUTIES—COURSE OF INSTRUCTION—INSPECTION OF SCHOOLS—SEAL—REGISTER OF NURSES—PROSECUTIONS—EXPENSES—COMPENSATION.] The members of the board shall, as soon as organized, and annually thereafter, elect from their number a president, secretary and treasurer. The secretary may also serve as treasurer. The board shall, adopt rules not inconsistent with the law, to govern its proceedings; the board may also outline and establish a course of instruction to be followed by accredited schools for nurses, as hereinafter provided, and a system of inspection of such accredited schools for nurses; and, the board may amend or repeal such rules in its discretion. The board shall adopt a seal, and the secretary shall have the care and custody thereof. The secretary shall keep a record of all proceedings of the board, including a register of the names and addresses of all nurses duly registered under this Act, which register shall be open at all reasonable times to public scrutiny at the office of the board, the address of which office shall at all times be kept on file at the office of the Secretary of State. The board shall cause the prosecution of all persons violating any of the provisions of this Act, and to the provisions of any law regulating the expenditures of the board, may incur necessary expenses in that behalf. The secretary of the board shall receive a salary to be fixed by the board not in excess of the amount now or hereafter authorized by law; each member of the board shall receive compensation at the rate of ten dollars (\$10.00) per day for each day, or a proportionate part thereof for a fraction of a working day of eight hours, during which said member is actually engaged in attendance upon the meetings of the board, or is otherwise engaged in the discharge of duty as a member thereof and in going to, going and coming from the place of meeting, or the discharge of such duty. All legitimate and necessary expenses incurred in attending such meetings and all other necessary and legitimate expenses of said board shall be defrayed by the board, subject, however, to the provisions of any law now or hereafter regulating such expenditures.

§ 3. QUORUM—RULES FOR EXAMINATION—COURSE OF INSTRUCTION—INSPECTION OF SCHOOLS FOR NURSES—LIST OF ACCREDITED SCHOOLS FOR NURSES—CERTIFICATE AND PUBLICATION OF MODIFICATION OF RULES.] Three (3) members of the board shall constitute a quorum. Special meetings of the board shall be called by the secretary upon written request of any two (2) members. The board shall, from time to time, adopt rules governing the examination of applicants for registration not inconsistent with the provisions of the law, and shall, adopt rules providing for and establishing a uniform and reasonable standard of maintenance, instruction and training to be observed by all schools for nurses which are on, or whose application is pending to be placed on, the list of accredited schools for nurses hereinafter provided for, and also for the inspection by said board of such schools for nurses. By reference to the compliance or non-compliance by schools for nurses with such rules, and the general standard of efficiency or inefficiency of management and instruction maintained by the same, the said board shall, by conducting inspections in accordance with its rules, determine the eligibility of, and designate the schools for nurses, to be placed on or to be withdrawn from, a list which shall be known as the list of accredited schools for nurses, which list shall at all times be kept on file in the office of the secretary of said board, where it shall be open to the scrutiny of the public at all reasonable hours, and a copy thereof shall be kept on file at the office of the Secretary of State. Said board may from time to time, modify, amend and repeal said rules, providing no modification of the rules governing examinations of candidates for registration shall be made and become effective during the six weeks next preceding the date set for holding any examination herein provided for. The board shall, immediately upon the election of an officer, file with the Secretary of State a certificate thereof, giving the names and address of said officer, and immediately upon the adoption, amendment or repeal of a rule, the board shall file with the Secretary of State, a certificate thereof setting forth a copy of the rule as adopted, amended or repealed, and shall also cause a copy of such certificate to be published in the earliest issue practicable of at least one (1) journal devoted to the interests of professional nursing, and mail a copy of said certificate to every accredited school for nurses in Illinois.

§ 4. MEETINGS OF BOARD—NOTICE IN PUBLIC PRESS—EXAMINATION OF APPLICANTS—ISSUANCE OF CERTIFICATES—REGISTRATION IN COUNTY CLERK'S OFFICE—REVOCATION OF CERTIFICATE FOR FAILURE TO REGISTER.] It shall be the duty of the board to meet for the purpose of holding examinations not less frequently than twice a year, at times and places to be determined by said board. Notices stating the time and place for the holding of such meetings shall be published in at least one newspaper of general circulation in each of the cities of Chicago and Springfield, and also in at least one (1) journal devoted to the interests of professional nursing, at least thirty days, and not more than sixty days, before the date set for holding the meeting; such written notice of said examina-

tions shall also be sent by mail to every person whose application for examination has been approved and is on file, and also to every accredited school for nurses in Illinois, at least thirty (30) days prior to the meeting. At such meetings it shall be the duty of the board to examine all applicants for registration who present themselves in accordance with the terms of this Act, and shall issue a certificate for registration to each applicant who passes the prescribed examination to the satisfaction of the board. Each person to whom such certificate shall be issued, or any renewal thereof as hereinafter provided, shall, within ninety (90) days thereafter cause the same to be presented at the office of the county clerk of the county in which such person resided at the time of filing the application and cause said certificate or any renewal thereof to be registered. The county clerk shall charge twenty-five (25) cents for registering such certificate. Failure, or refusal on the part of any person obtaining a certificate for registration as a nurse, or any renewal thereof, to register the same with the county clerk of the county in which said person resided at the time of application, within ninety (90) days from the issue of the same, shall work a revocation of said certificate: *Provided, however,* that a certificate revoked for failure or refusal of its holder to register the same may be restored upon application to the board and the payment of a fee of two dollars for the issuance of a new certificate. Each person so registered as a nurse shall be prepared, when requested in connection with work as a nurse, to exhibit such certificate of registration or a certified copy thereof.

§ 5. CERTIFICATES.] All certificates issued to nurses by the board shall contain the name and address of the person to whom it is granted, the date of its issuance, shall bear the seal of the board, shall be signed by all of the members, shall be attested by the president and secretary of the board, and shall confer authority upon the person to whom it is issued to practice as a registered nurse in accordance with the provisions of this Act.

§ 6. COUNTY CLERK TO KEEP REGISTRATION BOOK.] Every county clerk shall keep in a book provided for the purpose, a complete list of all the certificates registered by him under the provisions of this Act, together with the date of the issuance and registration of such certificates, and within sixty days after this Act becomes effective, shall prepare in duplicate, accompanied by his official certificate that it is complete, a list of the names and addresses as the same appear of record in his office, with the date of registration, of all nurses registered in his county under any previous Act, prior to July 1, 1913, and annually thereafter, before the first day of March, shall prepare in duplicate in like manner, a list of all names registered under this Act during the preceding calendar year, and forward said lists in duplicate to the Secretary of State, who shall keep one copy thereof on file in his office, and, after certifying the other to be a true copy of a part of the records of his office, shall forward the same to the secretary of the Illinois State Board of Nurse Examiners, to be kept on file in the office of said board.

§ 7. QUALIFICATIONS OF APPLICANTS FOR REGISTRATION—WRITTEN APPLICATION—FEE—EXAMINATIONS—REGISTRATION OF CERTIFICATES OF OTHER STATES.] No person, unless previously registered or licensed to

act as a registered nurse in this State at the time this Act shall become operative, shall be allowed to act as a registered nurse without first applying for and obtaining a certificate for such purpose from the Illinois State Board of Nurse Examiners. Application shall be made to said board in writing and shall in every instance be accompanied by the examination fee of \$10.00, together with satisfactory proof that the applicant is residing in the State of Illinois, is of good moral character, is at least twenty-two (22) years of age at the time of making the application, is a graduate of and has a diploma from an accredited school for nurses connected with a general hospital requiring a systematic course of at least three (3) years' training, and possesses such other qualifications as may be prescribed from time to time by the rules of said board: *Provided, however*, an application may be made by one who under the rules of an accredited school for nurses will be entitled to receive a diploma within three months following the date of filing said application, but no certificate shall be issued to such applicant until he or she has received such diploma, and has satisfactorily passed the prescribed examinations. When such application and the accompanying proof are found satisfactory, the board shall notify the applicant to appear before it for examination at a time and place to be fixed by the board. Examination may be made orally and in writing, and shall be of a character to test the qualifications of the applicant to serve as a registered nurse. All examinations provided for in this Act shall be conducted by the board, which shall provide for a fair and wholly impartial method. After any applicant shall have paid a fee of \$10.00 on the filing of an application for examination, any subsequent application of the same person shall be taken without the payment of a fee: *Provided, however*, the board upon written application and upon the payment of \$10.00 as a registration fee, may issue a certificate without examination of the applicant who shall have been registered as a registered nurse under the law of another state having requirements which in the opinion of a majority of the members of said board, subject to the approval of the Attorney General, are of equal or higher standard than those of the State of Illinois for registration of nurses.

§ 8. WHEN SPECIAL COURSE SUFFICIENT FOR REGISTRATION.] Applicants shall also be eligible for examination for registration who at the time of application shall have graduated and received a diploma from a school for nurses connected with any hospital of good standing requiring a systematic course of at least two (2) years' training and who being of the age herein prescribed or over and of good moral character, shall have either filed application for examination within six (6) months next following the date upon which this Act becomes in force and effect, or, at the time of application, shall have obtained in any hospital of good standing one (1) year's additional training in subjects not adequately taught in the school for nurses from which they graduated, and shall satisfactorily pass an examination to determine their fitness and ability to give efficient care to the sick.

§ 9. UNLAWFUL TO PRACTICE AS REGISTERED NURSE WITHOUT CERTIFICATE.] It shall be unlawful hereafter for any person to practice

or attempt to practice in this State as a registered nurse without a certificate from the board. Any person who has received such a certificate shall be styled and known as a registered nurse, and shall be entitled to append the letters "R. N." to his or her name. No person shall assume or use, or knowingly allow or permit any other person to use, such abbreviation "R. N." or any other words, letters or figures after his own name or after the name of any other person for the purpose of indicating that such person is a registered nurse, unless the person after whose name the said letters, abbreviations or words are so used, is in fact a registered nurse and entitled under the provisions of this law to act as such.

§ 10. PENALTY.] Any person who shall practice, or in any way represent himself or herself, or any other person, as a registered nurse in this State without such person holding a certificate duly registered and recorded as provided by this Act, or who shall violate any of the provisions of this Act, shall be subject to prosecution in any court of competent jurisdiction upon complaint, information or indictment, and shall, upon conviction, be fined for each offense in any sum not more than \$100.00 for the first offense nor more than \$200.00 for each subsequent offense.

Any person who shall wilfully make any false representations to the board in applying for a certificate, shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not more than \$200.00.

§ 11. REVOCATION OF CERTIFICATE—RENEWAL.] Registered nurses' certificates issued in accordance with the provisions of this Act shall remain in full force until revoked for cause, as hereinafter provided. Any certificate so granted may be revoked by unanimous vote of the Illinois State Board of Nurse Examiners for gross incompetency or recklessness in the discharge of duty as a registered nurse, or for dishonest practices on the part of the holder thereof; but before any certificate shall be revoked such holder shall be entitled to at last thirty (30) days notice in writing of the charge against him or her, together with notice of the time and place of the meeting of the board for the hearing and determining of such charge, and shall be entitled to a full, fair and impartial hearing of such charges under rules to be adopted from time to time by the said board. On the cancellation of such certificate it shall be the duty of the secretary of the board to give notice of such cancellation to the county clerk of the county in which the certificate has been registered, whereupon said county clerk shall note such cancellation on the registration book in his office. Upon satisfactory evidence of reasons for the reinstatement of a registered nurse whose certificate has been thus revoked, the board may, six months after the date of such revocation, or any time thereafter, issue a new certificate to the said nurse without examination, upon payment to the board of a fee of \$5.00.

§ 12. APPEAL TO CIRCUIT COURT FROM CERTAIN RULINGS OF BOARD.] Any person whose certificate as a registered nurse shall be revoked, or to whom a renewal of such certificate previously issued shall be denied, or any training school for nurses whose application to be placed upon the list of accredited training schools for nurses shall be denied, or whose

name is stricken from such list, by ruling of the board, without the consent of such training school, may, within thirty (30) days after such action by the board, file in the circuit court of the county in which such nurse resides, or in which such training school for nurses is located, a petition against the Illinois State Board of Nurse Examiners, officially, as defendant, alleging therein, under oath, and in brief detail the petitioner's qualifications for and rights to the privileges denied such petitioner by the ruling of the board, and praying for a reversal of such ruling, upon entry of appearance by, or service of summons upon said board as hereinafter provided for, the board shall file an answer as in actions in chancery, but not under oath, in which shall allege by way of defense, the grounds previously held by it as responsible for its adverse ruling against such nurse or training school. All allegations of the answer shall be deemed to stand denied without further pleading, and upon application of either party thereto the cause shall be advanced and heard without delay.

Either party to such proceeding shall have the right to a trial by jury, provided a demand therefor be made in writing in the first instance upon the filing of the petition or answer, but either party may there afterwards waive such demand for a jury trial. The burden shall rest upon the petitioner to disprove the grounds assigned and specified for the official action of the board complained of. The court's decision shall be final, but if adverse to the petitioner, it shall not bar a new application to the board for a renewal of a revoked certificate for registration under the provisions of this Act, nor after the lapse of six (6) months from its rendition in the case of training schools, shall it bar a new application of the petitioner to be placed on the list of accredited schools nor shall a decision of the court in favor of the petitioner prevent the board from thereafter taking similar adverse action against the petitioner for sufficient cause which may thereafter accrue or be discovered.

For the purpose of affording the right of such appeals, in any actions instituted hereunder, service of process may be had on said board by serving a summons upon the president, secretary or any member of said board, in the county in which the office of the board is located or in any county of the State where any one of said persons may be found, for which purpose of service process may issue directed to any county in the State as in the case of summons issued against parties defendant residing in foreign counties.

§ 13. EXEMPTION FROM JURY SERVICE.] All registered nurses in this State shall be exempt from service as jurors in any of the courts in this State.

§ 14. TO WHOM DOES NOT APPLY.] This Act shall not affect or apply to the gratuitous nursing of the sick by friends or members of the family, nor to any person nursing the sick for hire, who does not in any way assume or pretend to be a registered nurse, and this Act, shall not interfere in any manner with members of religious communities who have charge of hospitals, or who are engaged in nursing in hospitals, or take care of the sick in their own homes, provided such members do not in any way assume to be registered nurses.

§ 15. REPEAL OF ACT OF MAY 2, 1907—BOARD TO SUCCEED TO OBLIGATIONS, FUNDS AND BUSINESS OF STATE BOARD OF EXAMINERS OF REGISTERED NURSES.] “An Act relating to nurses and providing for their registration,” approved May 2, 1907, in force July 1, 1907, is hereby repealed: *Provided, however,* that all applications filed with the State Board of Examiners of Registered Nurses under the provisions of said Act shall be recognized by the Illinois State Board of Nurse Examiners created hereunder, and shall be treated as though filed under the provisions of this Act; also that said new board created hereunder shall, upon organizing, succeed to and be chargeable with any outstanding financial obligations or indebtedness of said Board of Examiners of Registered Nurses created under said Act hereby repealed, and, in like manner, shall succeed to, collect, take over, receive and account for, all moneys, credits or appropriations due or hereafter to come due, or which may be in the hands of said old board at the time of the organization of the new board hereby created, and shall receive, account for and handle any moneys so collected or taken over, as well as all other funds hereafter coming into its hands, in the manner now or hereafter provided for by law; and shall also take over the records and equipment of the State Board of Examiners of Registered Nurses and its unfinished business.

APPROVED June 30, 1913.

MINES AND MINING.

COAL MINES—ACT OF 1911 REVISED.

§ 1. Amends sections 1, 2, 3, 5, 6, 10, 11, 14, 16, 18, 19, 20 and 21, Act of 1911.

§ 1. State Mining Board.

- (a) Appointment and membership.
- (b) Powers and duties of board.
- (c) Date and term of appointment.
- (d) Supplies furnished by Secretary of State.
- (e) Frequency of meetings.
- (f) Rules of procedure.
- (g) Compensation of members—salary of chief clerk.

- § 2. (a) Credentials.
 (b) Examination for inspectors.
 (c) Names certified to the Governor.
 (d) Examinations for mine managers.
 (d) For mine managers, second class.
 (e) Examinations for mine examiners.
 (f) Examinations for hoisting engineers.
 (g) Examination papers preserved.

§ 3. (a) Certificates issued by the board.

- (b) Record to be preserved.
- (c) Effect of certificates.
- (d) Unlawful to employ other than certificated mine managers.
- (e) Unlawful to employ other than certificated mine examiners.
- (f) Unlawful to employ other than certificated hoisting engineers.
- (g) Temporary employment of uncertificated persons not extended.
- (h) Removal of inspectors.
- (i) Cancellation of certificates.

- § 5. (a) Inspectors appointed.
 (b) Assistant State inspectors.
 (c) Bond.
 (d) Instruments.
 (e) Examination of mines.
 (f) Scope of examination.
 (g) Authority to enter.
 (h) Procedure in case of objection.
 (i) Notices to be posted.
 (j) Sealer of weights.
 (k) Test weights.
 (l) Inspectors' annual reports.
 (m) Reports to be published.
 (n) Reports by operators.

COAL MINES—ACT OF 1911 REVISED—*Concluded.*

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| <p>§ 6. Pay of inspectors.</p> <p>§ 10. (a) Gates at landings.
(b) Lights on landings.
(c) Hoisting equipment.
(d) Brake on drum—flanges—rope fastenings—indicator.
(e) Signals.
(f) Gauges.
(g) Safety valves.
(h) Inspection of boilers.
(i) Run-around at bottom.
(j) Refuge place on shaft bottom.
(k) Obstructions in shaft.
(l) Inspection.</p> <p>§ 11. (a) Buildings on the surface.
(b) Oil and other explosives.
(c) Engine and boiler-house.</p> <p>§ 14. Ventilation.</p> <p>§ 16. Cars.</p> <p>§ 18. [a] Oil standard.
(b) Brands of oil.
(c) Penalty.
(d) Sampling and testing.</p> | <p>§ 19. [a] Amount of powder kept in mine.
(b) Place and manner of keeping in the mine.
(c) Manner of handling.
(d) Quantity of powder in one charge.
(e) Standard charges.
(f) Dead holes.
(g) Mixed shots.
(h) Copper tools.
(i) Tamping.
(j) Use of squibs.
(k) Warning before firing.
(l) Not more than one shot at a time.
(m) Missed shot.</p> <p>§ 20. (a) Duty of mine manager.
(b) Power of mine manager.</p> <p>§ 21. (a) Certificated mine examiners.
(b) Duty of mine examiner.</p> |
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(HOUSE BILL NO. 704. APPROVED JUNE 27, 1913.)

AN ACT to amend sections 1, 2, 3, 5, 6, 10, 11, 14, 16, 18, 19, 20 and 21 of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved June 6, 1911, in force July 1, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 1, 2, 3, 5, 6, 10, 11, 14, 16, 18, 19, 20 and 21 of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved June 6, 1911, in force July 1, 1911, be and the same are hereby amended so as to read as follows:

§ 1. (a) That the Governor, with the advice and consent of the Senate, shall appoint a State Mining Board which shall be composed of five members, two of whom shall be practical coal miners, one a practicing coal mine hoisting engineer, and two coal operators.

POWERS AND DUTIES OF BOARD.] (b) Said board shall be authorized, empowered and required to make formal inquiry into and pass upon the practical and technological qualifications and personal fitness of men seeking appointment as State inspectors of mines, and of those seeking certificates of competency as mine managers, as hoisting engineers and as mine examiners. Said board also shall have such other powers and duties as may be prescribed by the provisions of this Act, or any other Act relating to coal mining. Said board also shall control and direct the State mine inspectors hereinafter provided for, in the discharge of their duties, and shall have the power and shall in person and through the State mine inspectors see that all the provisions of the State mining law are enforced. Said board also shall cause to be

collected statistical details relating to coal mining in the State, especially in its relations to the vital, sanitary, commercial and industrial conditions, and to the permanent prosperity of said industry; and said board shall cause such statistical details to be compiled and summarized as a report of said State Mining Board, to be known as the Annual Coal Report.

DATE AND TERM OF APPOINTMENT.] (c) Their appointment shall date from July 1, 1911, and they shall serve for a term of two years, or until their successors are appointed and qualified. They shall also be sworn to a faithful performance of their duties. One of the coal operators member of said board shall be elected as president, and one of the coal miners member of said board shall be elected as secretary. The board may appoint a chief clerk and may employ such other persons as may be necessary for the proper discharge of its powers and duties; all of whom shall perform such duties as may be prescribed by the board from time to time, and the board may from time to time also prescribe standing and other rules for the control and direction of its officers and employees and of the State mine inspectors.

SUPPLIES FURNISHED BY SECRETARY OF STATE.] (d) The Secretary of State shall assign to the use of the board suitably furnished rooms in the State House, and shall also furnish whatever blanks, blank books, printing, stationery, instruments and supplies the board may require in the discharge of its duties, and for the use of State mine inspectors.

FREQUENCY OF MEETINGS.] (e) The board shall hold such meetings from time to time as may be necessary for the proper discharge of its duties. The board shall meet at the Capitol on the second Tuesday in September of the year 1911, and annually thereafter, for the examination of candidates for appointment as State inspectors of mines. Special examinations also may be held whenever for any reason it may become necessary to appoint one or more inspectors.

For the examination of persons seeking certificates of competency as mine managers, hoisting engineers and mine examiners, the board shall hold meetings at such times and places within the State as shall, in the judgment of the members, afford the best facilities to the greatest number of candidates.

Public notice shall be given through the press or otherwise, not less than ten days in advance, announcing the time and place at which any examinations under this section are to be held.

RULES OF PROCEDURE.] (f) The examinations herein provided for shall be conducted under rules, conditions and regulations prescribed by the board. Such rules shall be made a part of the permanent record of the board, and such of them as relate to candidates shall be, upon application of any candidate, furnished to him by the board; they shall also be of uniform application to all candidates.

COMPENSATION OF MEMBERS—SALARY OF CHIEF CLERK.] (g) The members of the State Mining Board shall receive as compensation for their services the sum of five dollars (\$5) each per day for a term not

exceeding one hundred (100) days in any one year, and whatever sums are necessary to reimburse them for such actual and necessary traveling expenses as may be incurred in the discharge of their duties.

The salary of the chief clerk shall be \$2,000 per annum, and he shall be reimbursed for any amounts expended for actual and necessary traveling expenses in the discharge of his duties.

All salaries and expenses of the board and of its employees shall be paid upon vouchers duly sworn to by each and approved by the president of the board, or in his absence by the acting president, and by the Governor, and the Auditor of Public Accounts is hereby authorized to draw his warrants on the State treasury for the amounts thus shown to be due, payable out of any money in the treasury not otherwise appropriated.

§ 2. CREDENTIALS.] (a) An applicant for any certificate herein provided for, before being examined, shall register his name with the State Mining Board and file with the board the credentials required by this Act, to wit: An affidavit as to all matters of fact establishing his right to receive the examination, and a certificate of good character and temperate habits, signed by at least ten residents of the community in which he resides.

EXAMINATIONS FOR INSPECTORS.] (b) Persons applying to the State Mining Board as candidates for appointment as State inspectors of mines must produce evidence satisfactory to the board that they are citizens of this State, at least thirty years of age, that they have had a practical mining experience of ten years, and that they are men of good repute and temperate habits; they must pass an examination as to their practical and technological knowledge of mine surveying and mining machinery and appliances, of the proper development and operation of coal mines, of ventilation in mines, of the nature and properties of mine gases, of first aid to injured, of mine rescue methods and appliances of the geology of the coal measures in this State, and of the laws of this State relating to coal mines.

NAMES CERTIFIED TO THE GOVERNOR.] (c) At the close of each examination for inspectors the board shall certify to the Governor the names of all candidates who have received a rating above the minimum fixed by the rules of the board as being persons properly qualified for the position of inspector.

EXAMINATIONS FOR MINE MANAGERS.] (d) Persons applying to the board for certificates of competency as mine managers must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-four years of age, that they have had at least four years' practical mining experience, and that they are men of good repute and temperate habits; they must also pass such examination as to their experience in mines and in the management of men, their knowledge of mine machinery and appliances, the use of surveying and other instruments used in mining, the properties of mine gases, the principles of ventilation, of first aid to injured, of mine rescue methods and appliances, and the legal duties and responsibilities of mine managers, as shall be prescribed by the rules of the board.

FOR MINE MANAGERS, SECOND CLASS.] (d) Persons coming before the board for certificates of competency as mine managers, second class, must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-four years of age, that they have had at least four years' practical mining experience, and that they are men of good repute and temperate habits; they must also submit to and satisfactorily pass such an examination as to their experience in mines and in the management of men, their knowledge of coal mining, mine ventilation and the mining laws of this State and the required duties and responsibilities of second class mine managers, as shall be prescribed by the rules of the board, and it shall be unlawful to employ second class mine managers, or for them to serve in that capacity at mines employing more than ten men.

EXAMINATIONS FOR MINE EXAMINERS.] (e) Persons applying to the board for certificates of competency as mine examiners, must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-one years of age, and of good repute and temperate habits, and that they have had at least four years' practical mining experience. They must pass an examination as to their experience in mines generating dangerous gases, their practical and technological knowledge of the nature and properties of fire-damp, the laws of ventilation, the structure and uses of safety lamps, and the laws of this State relating to safeguards against fires from any source in mines. They shall also possess a knowledge of first aid to injured and of mine rescue methods, and shall hold a certificate from any National or State commission or bureau or other recognized agency.

EXAMINATIONS FOR HOISTING ENGINEERS.] (f) Persons applying to the board for certificates of competency as hoisting engineers must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-one years of age, that they have had at least two years' experience as firemen or engineer of a hoisting plant, and are of good repute and temperate habits. They must pass an examination as to their experience in handling hoisting machinery, and as to their practical and technological knowledge of the construction, cleaning and care of steam boilers, the care and adjustment of hoisting engines, the management and deficiency of pumps, ropes and winding apparatus, and as to their knowledge of the laws of this State in relation to signals and the hoisting and lowering of men at mines.

EXAMINATION PAPERS PRESERVED.] (g) There shall be a written and an oral examination of applicants as may be prescribed by the rules of the board; and all written examination papers and all other papers of applicants shall be kept on file by the board for not less than one year, during which time any applicant shall have the right to inspect his said papers at all reasonable times; and any applicant shall be entitled to a certified copy of any or all of his said papers upon payment of a reasonable copy fee therefor.

§ 3. CERTIFICATES ISSUED BY THE BOARD.] (a) The certificates provided for in this Act shall be issued under the signature and seal of

the State Mining Board, to all those who receive a rating above the minimum fixed by the rules of the board; such certificates shall contain the full name, age and place of birth of the recipient and the length and nature of his previous service in or about coal mines.

RECORD TO BE PRESERVED.] (b) The board shall make and preserve a record of the names and addresses of all persons to whom certificates are issued.

EFFECT OF CERTIFICATES.] (c) The certificates provided for in this Act shall entitle the holders thereof to accept and discharge at any mine in this State, the duties for which they are declared qualified.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE MANAGERS.] (d) It shall be unlawful for the operator of any coal mine to have in his service as mine manager at his mine, any person who does not hold a certificate of competency issued by the State Mining Board of this State: *Provided*, that whenever any exigency arises by which it is impossible for any operator to secure the immediate services of a certificated mine manager, he may place any trustworthy and experienced man of the mine inspection district in charge of his mine to act as temporary mine manager for a period not exceeding seven days, and with the approval of the State inspector of the district, for a further period not exceeding twenty-three days.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE EXAMINERS.] (e) It shall be unlawful for the operator of any mine to have in his service as mine examiner any person who does not hold a certificate of competency issued by the State Mining Board: *Provided*, that any one holding a mine manager's certificate may serve as mine examiner; but in any mine employing more than twenty-five (25) men, the mine manager shall not act in the capacity of mine examiner while acting as mine manager: *And, provided*, whenever an exigency arises by which it is impossible for any operator to secure the immediate services of a certificated examiner, he may employ any trustworthy and experienced man of the mine inspection district to act as temporary mine examiner for a period not exceeding seven days, and with the approval of the State inspector of the district, for a further period not exceeding twenty-three days.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED HOISTING ENGINEER.] (f) It shall be unlawful for the operator of any mine to permit any person who does not hold a certificate of competency as hoisting engineer issued by the State Mining Board, to hoist or lower men, or to have charge of the hoisting engine when men are underground.

TEMPORARY EMPLOYMENT OF UNCERTIFICATED PERSONS NOT EXTENDED.] (g) The employment of persons who do not hold certificates as mine managers and mine examiners, shall in no case exceed the limit of time specified herein, and the State inspector shall not approve of the employment of such persons beyond the twenty-three day limit.

REMOVAL OF INSPECTORS.] (h) Upon a petition signed by not less than three coal operators, or ten coal miners, setting forth that any State inspector of mines neglects his duties, or that he is incompetent, or that he is guilty of malfeasance in office, or guilty of any act tending

to the unlawful injury of miners or operators of mines, it shall be the duty of the State Mining Board to issue a citation to the said inspector to appear before it within a period of fifteen days on a day fixed for said hearing, when the said board shall investigate the allegations of the petitioners; and if the said board shall find that the said inspector is neglectful of his duty, or is incompetent, or that he is guilty of malfeasance in office, or guilty of any act tending to the injury of miners or operators of mines, the said board shall declare the office of said inspector vacant, and a properly qualified person shall be duly appointed, in the manner provided for in this Act, to fill said vacancy.

CANCELLATION OF CERTIFICATES.] (i) The certificate of any mine manager, hoisting engineer or mine examiner, may be canceled and revoked by the State Mining Board upon notice and hearing as hereinafter provided, if it shall be established in the judgment of said board that the holder thereof has become unworthy to hold said certificate by reason of violation of the law, intemperate habits, incapacity, abuse of authority or for any other cause: *Provided*, that any person against whom charges or complaints are made hereunder shall have the right to appear before said board and defend against said charges, and he shall have fifteen days' notice in writing of such charges previous to such hearing: *Provided, further*, that the board in its discretion may suspend the certificate of any person charged as aforesaid, pending said hearing, but said hearing shall not be unreasonably deferred.

§ 5. INSPECTORS APPOINTED.] (a) From the names certified by the State Mining Board, the Governor shall select and appoint twelve State mine inspectors; that is to say, one inspector for each of the twelve inspection districts provided for in this Act; or more, if, in the future, additional inspection districts shall be created, and their commissions shall be for a term of two years from July 1: *Provided*, the term of any State mine inspector in office July 1, 1911, shall be extended to Oct. 1, 1911: *And, provided*, any State inspector in actual service and good standing and who has passed one examination under this Act may be reappointed for the next ensuing term, without further certification, but shall not be so reappointed more than three times: *Provided, further*, no man shall be eligible for appointment as a State inspector of mines who has any pecuniary interest in any coal mine in Illinois.

(b) The county board of supervisors, or of commissioners in counties not under township organization, of any county in which coal is produced, upon the written request of the State inspector of mines for the district in which said county is located, shall appoint a county inspector of mines as assistant to such State inspector, but no person shall be eligible for appointment as county inspector who does not hold a State certificate of competency as mine manager, and the compensation of such county inspector shall be fixed by the county board at not less than three dollars per day, to be paid out of the county treasury.

The State inspector may authorize any county inspector in his district to assume and discharge all the duties and exercise all the powers of a

State inspector in the county for which he is appointed, in the absence of the State inspector; but such authority must be conferred in writing and the county inspector must produce the same as evidence of his powers upon the demand of any person affected by his acts; and the bond of said State inspector shall be holden for the faithful performance of the duties of such assistant inspector.

BOND.] (c) State inspectors, before entering upon their duties as such, must take an oath of office, as provided for by the Constitution, and enter into a bond to the State in the sum of five thousand dollars (\$5,000) for State mine inspectors, with sureties to be approved by the Governor, conditioned upon the faithful performance of their duties in every particular, as required by this Act. Said bonds, with the approval of the Governor endorsed thereon, together with the oath of office, shall be deposited with the Secretary of State.

INSTRUMENTS.] (d) The State Mining Board shall furnish to each of said State inspectors an anemometer, a safety-lamp and such other instruments and such blanks, blank-books, stationery, printing and supplies as may be required by said inspectors in the discharge of their official duties. Said instruments and supplies shall be paid for on bills of particulars certified by the proper officers of the board and approved by the Governor; and the Auditor of Public Accounts shall draw his warrants on the State treasury for the amounts thus shown to be due, payable out of any money in the treasury not otherwise appropriated.

EXAMINATION OF MINES.] (e) State inspectors shall devote their whole time and attention to the duties of their respective offices. State inspectors shall make a personal examination at least once in every six months, or oftener if necessary, of each mine in their district in which ten or more men are employed. The State Mining Board also may require State inspectors personally to examine any or all other mines in their respective districts. Every mine in the State shall be examined at least once in every six months by either a State or county mine inspector.

SCOPE OF EXAMINATION.] (f) Every State inspector in the regular inspection of mines shall measure with an anemometer and determine the amount of air passing in the last cross-cut in each pair of entries in pillar and room mines, or in the last room of each division in long wall mines. He shall also measure with an anemometer and determine the amount of air passing at the inlet and outlet of the mines; and he shall compare all such air measurements with the last report of the mine examiner and the mine manager upon the mine examination book of the mine. He must observe that the legal code of signals between the engineer and top man and bottom man is established and conspicuously posted for the information of all employees.

State inspectors also shall require that every necessary precaution be taken to insure the health and safety of the workmen employed in the mines, and that the provisions and requirements of all the mining laws of this State are obeyed.

State inspectors shall render written reports of mine inspections made by them to the State Mining Board in such form and manner as shall

be required by the board. State inspectors shall take prompt action for the enforcement of the penalties provided for violation of the mining laws.

AUTHORITY TO ENTER.] (g) It shall be lawful for State inspectors to enter, examine and inspect any and all coal mines and the machinery belonging thereto, at all reasonable times, by day or by night, but so as not to unreasonably obstruct or hinder the working of such coal mine, and the operator of every such coal mine is hereby required to furnish all necessary facilities for making such examination and inspection.

PROCEDURE IN CASE OF OBJECTION.] (h) If any operator shall refuse to permit such inspection or to furnish the necessary facilities for making such examination and inspection, the inspector shall file his affidavit, setting forth such refusal, with the judge of the circuit court in said county in which said mine is situated, either in term time or vacation, or, in the absence of said judge, with a master in chancery in said county in which said mine is situated, and obtain an order on such owner, agent or operator so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly.

NOTICES TO BE POSTED.] (i) The State inspector shall post in some conspicuous place at the top of each mine inspected by him, a plain statement showing what in his judgment is necessary for the better protection of the lives and health of persons employed in such mine; such statement shall give the date of inspection and be signed by the inspector. He shall post a notice at the landing used by the men, stating what number of men will be permitted to ride on the cage at one time and the rate of speed at which men may be hoisted and lowered on the cages.

SEALER OF WEIGHTS.] (j) State inspectors are hereby made *ex officio* sealer of weights and measures in their respective districts, and as such are empowered to test all scales used to weigh coal at coal mines. Upon the written request of any mine owner or operator, or of ten coal miners employed at any one mine, it shall be the duty of the inspector to test any scale or scales at such mine against which complaint is directed, and if he shall find that they or any of them do not weigh correctly, he shall call the attention of the mine owner or operator to the fact, and direct that said scale or scales be at once overhauled and readjusted so as to indicate only true and exact weights, and he shall forbid the further operation of such mine until such scales are adjusted. In the event that such tests shall conflict with any test made by any county sealer of weights, or under and by virtue of any municipal ordinance or regulation, then the test of such mine inspector shall prevail.

TEST WEIGHTS.] (k) For the purpose of carrying out the provisions of this Act, each State inspector shall be furnished by the State with a complete set of standard weights suitable for testing the accuracy of tract [track] scales and of all smaller scales at mines, said test weights to be paid for on bills of particulars, certified by the Secretary of State and approved by the Governor. Such test weights shall remain

in the custody of the inspector for use at any point within his district, and for any amounts expended by him for the storage, transportation or handling of the same, he shall be fully reimbursed upon making entry of the proper items in his expense voucher.

INSPECTORS' ANNUAL REPORTS.] (l) Each State inspector of mines shall, within sixty days after June 30 of each year, prepare and forward to the State Mining Board a formal report of his acts during the year in the discharge of his duties, with any recommendations as to legislation he may deem necessary on the subject of mining, and shall collect and tabulate upon blanks furnished by said board all desired statistics of mines and miners within his district to accompany said annual report.

REPORTS TO BE PUBLISHED.] (m) On the receipt of said inspectors' reports the chief clerk of the State Mining Board shall compile and summarize the same, to be included in the report of said board, to be known as the Annual Coal Report, which shall, within four months thereafter, be bound, printed and transmitted to the governor for the information of the General Assembly and the public. The printing and binding of said reports shall be provided for by the Commissioners of State Contracts in like manner and in like numbers as they provide for the publication of other official reports to the Governor.

REPORTS BY OPERATOR.] (n) Every coal operator shall, within thirty days after June 30 of each year, furnish to the State mine inspector of the district, on blanks furnished by him prior to said June 30, statistics of the wages and conditions of their employees as required by law. The failure of any inspector to forward to the State Mining Board his formal report, as provided in paragraph one (1) hereof, or the failure of any coal operator to furnish to the State mine inspector of the district the statistics provided for herein, shall be adjudged a misdemeanor and be subject to a fine of \$100.

§ 6. PAY OF INSPECTORS.] Each State inspector of mines shall receive as compensation for his services the sum of \$1,800 per annum, and for traveling and other necessary expenses each shall receive the sum actually expended for that purpose in the discharge of his official duties: *Provided*, such expenses shall not exceed one hundred dollars (\$100.00) per calendar month for each State inspector of mines, both salary and expenses to be paid monthly by the State Treasurer, on warrants of the Auditor of Public Accounts, from the funds in the treasury not otherwise appropriated; said expense vouchers shall show the items of expenditures in detail, with sub-vouchers for the same so far as it is practicable to obtain them. Said vouchers shall be sworn to by the inspector and be approved by the president of the State Mining Board and the Governor.

§ 10. GATES AT LANDINGS.] (a) The upper and lower landing at the top of each shaft, and the opening of each intermediate seam from or to the shaft, shall be kept clear and free from loose materials, and shall be protected with automatic or other gates, such gates to be of good, serviceable construction for the purpose for which they are designed,

namely, to prevent either men or materials from falling into the shaft. At the top landing cage supports, where necessary, must be carefully set and adjusted so as to securely hold the cage when at rest.

LIGHTS ON LANDINGS.] (b) Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men take or leave the cage is at all obscured by steam or otherwise, there must always be maintained at such landing a light sufficient to show the landing and surrounding objects distinctly. Likewise, as long as there are men underground in any mine the operator shall maintain a good and sufficient light at the bottom of the shaft thereof, so that persons coming to the bottom may clearly discern the cage and objects in the vicinity.

HOISTING EQUIPMENT.] (c) Every shaft in which men are hoisted and lowered must be equipped with a cage, or cages, fitted to guide-rails running from the top to the bottom. Said cages must be safely constructed; they must be furnished with sheet-metal covers adequate to protect persons riding thereon from falling objects; they must be equipped with safety catches. Every cage on which persons are carried must be fitted with iron bars or rings in proper place and sufficient number to furnish a secure hand-hold for every person permitted to ride thereon. There shall be attached to every cage on which men are, or may be, hoisted or lowered, a horn or other device with which signals can be given on the cage. Hoisting ropes when socketed at the cage shall be cut off and resocketed at least once each six months and a notice shall be posted in the engine room giving the date when the rope was installed and when resocketed.

(d) In connection with every hoisting engine used for hoisting or lowering of men there shall be provided as follows:

BRAKE ON DRUM.] (1) A good and sufficient brake on the drum, so adjusted that it may be operated by the engineer without leaving his post at the levers.

FLANGES.] (2) Flanges attached to the sides of the drum, with a distance when the whole rope is wound on the drum of not less than 4 inches between the outer layer of rope and the greatest diameter of the flange.

ROPE FASTENINGS.] (3) One end of each hoisting rope shall be well secured on the drum, and at least three laps of the same shall remain on the drum when the cage is at rest at the lowest caging place in the shaft. The lower end of each rope shall be securely fastened to the cage by suitable sockets and chains.

INDICATOR.] (4) An index dial or indicator that plainly shows the engineer at all times the true position of the cages in the shaft.

SIGNALS.] (e) At every mine where men are hoisted and lowered by machinery there shall be provided means of signaling to and from the bottom man, the top man and the engineer. The signal system shall consist of a tube, or tubes, or wire encased in wood or iron pipes, through which signals shall be communicated by electricity, compressed air or other pneumatic devices, or by ringing a bell. When compressed

air or other pneumatic devices are used for signaling, provision must be made to prevent signal from repeating or reversing. The following signals shall be used at mines where signals are required:

From the bottom to the top: One ring or whistle shall signify to hoist coal or the empty cage, and also to stop either when in motion.

Two rings or whistles shall signify to lower cage.

Three rings or whistles shall signify that men are coming up or going down; when return signal is received from the engineer the men shall get on the cage and the proper signal to hoist or lower shall be given.

Four rings or whistles shall signify to hoist slowly, implying danger.

Five rings or whistles shall signify accident in the mine and a call for a stretcher.

Six rings or whistles shall signify hold cage perfectly still until signaled otherwise.

From top to bottom, one ring or whistle shall signify: All ready, get on cage.

Two rings or whistles shall signify: Send away empty cage.

Provided, that the operator of any mine may, with the consent of the inspector, add to this code of signals in his discretion. The code of signals in use at any mine shall be conspicuously posted at the top and at the bottom of the shaft, and in the engine room at some point in front of the engineer when standing at his post.

GAUGES.] (f) Every boiler shall be provided with a glass water gauge and not less than three try cocks and also a steam gauge, except that where two or more boilers are equipped with a steam drum properly connected with the boilers to indicate the steam pressure and without any valves between said boilers and the steam drum, the steam gauge may be placed in said steam drum; and other steam gauge shall be attached to the steam pipe in the engine house, each to be placed in such a position that the engineer and the fireman can readily see what pressure is being carried. Such steam gauges shall be kept in good order and adjusted and be tested as often, at least, as every six months.

SAFETY VALVES.] (g) Every boiler shall be provided with a safety valve with weights or springs properly adjusted, except that where two or more boilers are equipped with a steam drum properly connected with the boilers to indicate the steam pressure and without any valves between said boilers and the steam drum, the safety valve may be placed in said steam drum.

INSPECTION OF BOILERS.] (h) All boilers used in generating steam in and about coal mines or sinking shafts shall be kept in good order, and the operator of every coal mine where steam boilers are in use shall have said boilers thoroughly examined and inspected by a competent boilermaker or other qualified person, not an employee of said operator, as often as once in every six months, and oftener if the mine inspector shall so require in writing, and the result of every such inspection shall be reported on suitable blanks to said mine inspector.

RUN-AROUND AT BOTTOM.] (i) At every underground landing where men enter or leave the cage and where men must pass from one side of

the cage to the other there shall be a safe passageway, free from obstruction and dry as possible, around the shaft not less than three feet wide for the use of men only; and animals or cars shall not be taken through such passageway while men are passing or desirous of passing through such passageway.

REFUGE PLACE ON SHAFT BOTTOM.] (j) A refuge place or places for men coming out at the close of the day's work shall be provided off the main bottom of cageroom in shaft mines, at a place or places and of such size as shall be approved by the State mine inspector. Such place or places shall be not more than 400 feet from the shaft, where men are hoisted, and shall be kept free from loose material. When leaving such refuge places to be hoisted out, the men shall be governed by the rules of the mine.

OBSTRUCTIONS IN SHAFT.] (k) No accumulation of ice or obstructions of any kind shall be permitted in any shaft in which men are hoisted or lowered; nor shall any dangerous gases or steam be discharged into said shaft in such quantities or at such times as to interfere with the safe passage of men. All surface or other water which flows therein shall be conducted by rings or otherwise to receptacles provided for the same in such manner as to prevent water from falling upon men while passing into or out of the mine or while in the discharge of their duties about the shaft bottom.

INSPECTION.] (l) All shafts by which men enter or leave the mine, and the passageways leading thereto, or to the works of a contiguous mine used as an escapement shaft shall be carefully examined at least once each week that the mine is operating and the date and findings of such an examination entered promptly in the books kept at the mine for that purpose. If obstructions to the free passage of men are found, their location and nature shall be stated in said report. Such obstructions shall be promptly removed.

§ 11. BUILDINGS ON THE SURFACE.] (a) After the passage of this Act, all buildings and structures erected over a shaft, slope or drift mouth, and within one hundred (100) feet of the same shall be of metal, rock, clay, cement, clay or cement products, or a combination of the same. All fan houses, tops of air and escape shafts and fan drifts shall also be constructed of the above mentioned materials or a combination thereof. In connection with above construction, wood may be used only for floors, windows, doors, or the frames for the same: *Provided*, that this paragraph shall not apply to mines employing ten (10) men or less.

OIL AND OTHER EXPLOSIVES.] (b) No oils or similarly inflammable materials shall be stored within 100 feet of any hoisting or escapement shaft, nor in any mine.

All lubricating oil used in coal mines shall be contained in closed receptacles. In the mine, oil shall not be heated over a fire or lamp.

All explosive materials shall be stored in a fireproof magazine located on the surface not less than 500 feet from all other buildings in con-

nection with the mine, and such magazine shall be so placed as not to jeopardize the free and safe exit of men from the mine in case of an explosion at the magazine.

ENGINE AND BOILER HOUSE.] (c) Any building erected after the passage of this Act, for the purpose of housing the hoisting engine or boilers at any mine, shall be substantially fireproof, and no boiler-house shall be nearer than sixty feet to the main shaft or other opening, or to any building or inflammable structure connecting therewith.

§ 14. VENTILATION.] (a) At every coal mine there shall be provided, supplied and maintained an amount of air which shall not be less than 100 cubic feet per minute for each person, and not less than 500 cubic feet per minute for each animal in the mine, measured at the foot of the downcast and of the upcast; except that in gaseous mines there shall be not less than 150 cubic feet of air per minute for each person in the mine. The inspector shall have power by order in writing to require these quantities to be increased.

(b) The main current of air shall be so split or subdivided as to give a separate current of reasonably pure air to every 100 men at work, and the inspector shall have authority to order, in writing, separate currents for smaller groups of men, if, in his judgment, special conditions render it necessary.

(c) Doors, curtains or brattices shall be placed at such places as may be designated by the mine manager, subject to the approval of the State inspector, to conduct into the working places an amount of air sufficient to render the working places reasonably free from deleterious air of every kind.

(d) Away from the pillar for the mine bottom, crosscuts between entries shall be made not more than sixty feet apart without permission of the State inspector of the district and then only in case of "faults." When such consent is given, brattice or other means must be provided within sixty feet of the face to convey the air to the working place until a cross cut is opened up.

When undercut or sheared, the entry, cross-cut and room-neck may be advanced concurrently, but not more than one cutting shall be shot in the room-neck until the cross-cut is finished; and after the entry has advanced fifteen feet beyond the location of the new cross-cut, only one shot shall be fired in the entry to two in either or both the cross-cut and room-neck at the same shooting time.

When not undercut or sheared, the entry and cross-cut may be advanced concurrently, but no room shall be opened in advance of the last open cross-cut, and after the entry has advanced fifteen feet beyond the location of a new cross-cut only one shot shall be fired in the entry to two in the cross-cut at the same shooting time.

Not more than three shots shall be exploded at one shooting time ahead of the last open cross-cut.

(e) After the taking effect of this Act, the first cross-cut between all rooms off any entry shall not be more than sixty (60) feet from the rib of the entry. Additional cross-cuts shall not be more than sixty (60) feet apart.

(f) All cross-cuts connecting inlet and outlet air courses, except the last one nearest the face, shall be closed with substantial stoppings to be made as nearly air-tight as possible. In the making of the air-tight partitions or stoppings, no loose material or refuse shall be used.

Cross-cuts between rooms, except the one nearest the face, shall be closed sufficiently to carry to the working places the amount of air required by law.

(g) All possible care and diligence shall be exercised in the examination of working places, especially for the investigation and detection of explosive gases therein, and where found, such gas shall be removed by a special current of air produced by bratticing or from a pipe, before men are permitted to work in such places with other lights than safety lamps.

(h) If, in any mine, the conditions are such that in the judgment of the mine manager or the judgment of the State mine inspector expressed in writing, it is necessary to use safety lamps only in working said mine, other lights shall not be used therein.

(i) The air from the outlet of the stable shall not pass into the intake air current used for ventilating the working parts of the mine.

(j) All doors in mines, used in guiding and directing the ventilating currents shall be hung and adjusted so as to close automatically.

(k) At all doors through which three or more drivers are hauling coal on any one shift, an attendant shall be employed on said shaft [shift] for the purpose of opening and closing said doors when trips of cars are passing to and from the workings: *Provided*, the mine inspector in case of specially dangerous conditions, shall have power to require in writing that an attendant be placed at doors through which less than three drivers pass. Places for shelter shall be provided at such door-ways to protect the attendants from being injured by the cars while attending to their duties: *Provided*, that in any or all mines, where doors are constructed in such a manner as to open and close automatically, attendants and places for shelter shall not be required.

(l) If the inspector shall find men working without the amount of air required by law, he shall at once notify the mine manager to increase the amount of air in accordance with the law. Upon the failure or refusal of the manager to act promptly, and in all cases where men are endangered by such lack of air, the inspector shall at once order the men affected out of the mine.

(m) In case the passageways, roadways or entries of any mine are so dry that the air becomes charged with dust, the operator of such mine must have such roadways regularly and thoroughly sprayed, sprinkled or cleaned.

(n) At all mines employing over 100 men underground, and in all mines generating fire damp, the ventilating fan shall be run both day and night; at all mines employing less than 100 men underground, the fan shall be run at its usual speed for six hours before men go into the mine to work. A recording pressure gauge shall be maintained in connection with each fan at all mines: *Provided*, nothing in this clause shall apply to mines employing ten men or less.

§ 16. CARS.] (a) When there is an open hook coupling on either end of the car, the hook and links must be attached so that when hanging down, the coupling will be clear of the ties and rails. Mine cars in use when this Act shall become in force and effect shall be made to comply with this provision within one year thereafter.

(b) In mines opened after the passage of this Act, all mine cars shall be equipped with a bumper or bumpers on each end, which shall project from beyond the end of the car not less than four inches in length. This shall not be held to apply to mines employing ten men or less.

§ 18. OIL STANDARD.] All illuminating oils or other illuminants used in coal mines shall conform to such specifications as shall be prescribed by the State Mining Board.

BRANDS OF OIL.] (b) All oils sold or offered for sale to be used for illuminating purposes in coal mines shall be stamped or branded upon the original barrel or package in which said oil is furnished to the person, firm or corporation selling or furnishing such oil to show that such oil has been tested and found to conform to the specifications prescribed by the State Mining Board.

PENALTY.] (c) Any person, firm or corporation, either by themselves, agents or employees, selling or offering to sell for illuminating purposes in any mine in this State any oil not complying with the specifications of the State Mining Board as suitable for illuminating purposes as contemplated in this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than one hundred dollars for each offense; and any mine owner or operator or employee of such owner or operator who shall knowingly use, or any mine operator who shall knowingly permit to be used, for illuminating purposes in any mine in this State any oil, the use of which is forbidden by this Act, shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than twenty-five dollars.

SAMPLING AND TESTING.] (d) The State mine inspector shall have authority to sample all oil used for illuminating purposes in the mines of this State, or kept on hand for use or for sale at such mines, and for such purpose they may enter upon the premises of any person. It shall be their duty to send to the State Mining Board to be tested a sample of any oil they have reason to suspect does not comply with the specifications of the State Mining Board in regard to illuminating oil for use in mines; and if the said sample of oil is found after suitable test not to comply with the provisions of this Act, the person using said oil or selling or offering the same for sale, shall be prosecuted in accordance with the provisions of this Act.

§ 19. AMOUNT OF POWDER KEPT IN MINE.] (a) No blasting powder or other explosive, shall be stored in any coal mine, and no workman shall have at any time in the mine more than thirty-five pounds of black powder nor more than twenty-five pounds of permissible explosives, nor more than three pounds of other high explosives: *Provided*, that nothing in this section shall be construed to prevent the operator of any mine

from taking into the mine, when miners are not therein, and in electrically equipped mines, while the current is turned off on roadways through which it is transported, a sufficient quantity of powder for the reasonable requirements of such mine for the next succeeding working day. The delivery of powder into coal mines shall be during the interval after the shot firers have come out of the mine and prior to the entry of the day shift into the mine in the morning; but in the interim before such powder is delivered to the men, it shall be kept in a closed receptable.

Explosives shall not be carried in the same car with tools or other materials.

PLACE AND MANNER OF KEEPING IN THE MINE.] (b) Every person who has powder or other explosives in a mine shall keep the same in a wooden box securely locked, with hinged lid, and said box shall be kept as far as practicable from the track; and all powder boxes shall be kept as far as practicable from each other and each in a scheduled place. Black powder and high explosives or caps shall not be kept in the same box. Detonating explosives and detonators shall not be kept in the same box.

MANNER OF HANDLING.] (c) Whenever a workman is about to open a box or keg containing powder or other explosive, and while handling the same, he shall place and keep his lamp at least five feet distant from said explosive, and in such position that the air current can not convey sparks to it, and no person shall approach nearer than five feet to any open box containing an open keg of powder or other explosive with a lighted lamp, lighted pipe or other thing containing fire. No miner, workman or other person shall open any receptacle containing an explosive except by the means of opening the same provided by the manufacturer thereof, and it shall be unlawful for any person to have in his possession in any mine any receptacle containing explosive which has been opened in violation of this Act.

QUANTITY OF POWDER IN ONE CHARGE.] (d) The quantity of powder to be used in the preparation of shots shall not, in any case, exceed five (5) standard charges full of powder in coal seams five and one-half ($5\frac{1}{2}$) feet or over in thickness; and shall not, in any case, exceed four (4) standard charges full of powder in coal seams under five and one-half ($5\frac{1}{2}$) feet in thickness.

STANDARD CHARGER.] (e) For the purpose of determining the quantity of powder to be used in the preparation of any given shot, a standard charger is defined and prescribed to be a cylindrical metallic charger not to exceed twelve (12) inches in length and not to exceed one and one-half ($1\frac{1}{2}$) inches in diameter.

DEAD HOLES.] (f) No person shall drill or shoot a dead hole as hereinafter defined. A "dead hole" is a hole where the width of the shot at the point measured at right angles to the line of the hole is so great that the heel is not of sufficient strength to at least balance the resistance at the point. The heel means that part of the shot which lies outside of the powder.

In solid shooting, the width of the shot at the point, in seams of coal 6 feet or less in height, shall not be greater than the height of the coal,

and in seams of coal more than 6 feet in thickness, the width of the shot at the point shall, in no case, be more than 6 feet. In undercut coal, no hole shall be drilled "on the solid" for any part of its length.

MIXED SHOTS.] (g) In no case shall more than one kind of explosive be used in the same drill hole.

COPPER TOOLS.] (h) The needle used in preparing a blast shall be made of copper, and any metallic tamping-bar or scraper which is used for placing explosives for shots shall be tipped with at least five (5) inches of copper. A scraper shall not be used for tamping.

TAMPING.] (i) Every blasting hole shall be tamped full from the explosive to the mouth of the hole, and no coal dust or any material that is inflammable or that may create a spark, whether the same shall be wet or dry, shall be used for tamping.

USE OF SQUIBS.] (j) When a squib is used to fire a shot it shall be unlawful to shorten or oil the match of the squib or to ignite it except at the end.

WARNING BEFORE FIRING.] (k) Before firing a shot, the person firing the same shall see that all persons are out of danger from the probable effects of such shot, and shall take measures to prevent any one approaching by shouting "fire" before lighting the same.

NOT MORE THAN ONE SHOT AT A TIME.] (l) Not more than one shot shall be lighted at the same time in any working place unless the firing is done by electricity or by fuses length that the interval between the explosions of any two shots shall be not less than one minute, and in no case shall any shot or shots be fired or lighted which are termed depending or dependent shots, until after the expiration of ten minutes from the successful firing of the relieving shot or shots. When successive shots are to be fired in any working place in which the roof is broken or faulty, the smoke shall be allowed to clear away and the roof examined and made secure between shots.

MISSED SHOTS.] (m) No person shall return to a missed shot, if lighted with a squib, until five (5) minutes have elapsed from the time of lighting the same, or, if lighted with fuse, until the following day; and no person shall return to a missed shot when the firing is done by electricity unless the wires are disconnected from the battery.

(n) No missed shot shall be withdrawn excepting by the use of copper-tipped or wooden tools.

§ 20. (a) It shall be the duty of the mine manager:

1. To visit each working place in the mine at least once in two weeks.
2. To provide a suitable checking system whereby the entrance into and departure from the mine of each employee shall be indicated.
3. To have the underground workings of the mine examined by a certificated mine examiner within eight hours preceding every day upon which the mine is to be operated. Such a mine examiner shall make the examination as provided in this Act, and he shall enter his report thereof with indelible pencil or ink in a well bound or properly protected loose leaf book provided for that purpose, before the men are

permitted to enter the mine in the morning. This book shall be kept in some convenient place on top, but not in the engine room, for the information of the inspector and other persons interested therein.

4. To examine the mine examiner's report in the morning, and if the working places are reported dangerous, he shall withhold the entrance checks of men working in such places until he has taken every proper precaution to advise such men of the danger and instructed them not to work in such places until the reported danger has been removed, except for the purpose of removing same.

5. When there is to be a night shift mining coal, the mine manager shall require the places in which such night shift are expected to work to be examined for gas, or falls or dangerous roof, by the person in charge of such night shift or some competent person duly authorized by him before the men enter such places for work. The night shift may go into the mine while the night examiner is in the mine, excepting in mines where marsh gas has been detected in dangerous quantities, provided they do not go into the working places until the required examination is made.

Certificated mine examiners shall not be required for the examination preceding the night shift, excepting in mines where marsh gas is detected in dangerous quantities. The night examiner, or examiners, shall make a record of their examination in a special book kept for that purpose, which shall be kept in some convenient place on top when not in use by the examiner.

6. He shall provide a sufficient number of props, caps and timbers, when demanded, delivered on the miners' cars at the usual place, in suitable lengths and dimensions for the securing of the roof by the miners.

7. He shall see that the cross-cuts are made at proper distances apart, and that the necessary doors, curtains, and brattices are provided to secure the men in the mine the volume of air required by this Act, or by the written demands of the mine inspector; also, that all stoppings along air-ways are properly and promptly built.

8. He shall keep careful watch over all ventilating apparatus, and the air currents in the mine, and in case of accident to fan or machinery by which the air currents are stopped or materially obstructed, he shall at once order the withdrawal of the men from the mine and prohibit their return until the required ventilation has been re-established.

9. He shall measure the air current or cause the same to be measured at least once each week at the inlet and outlet, and shall keep a record of such measurements for the information of the mine inspector.

10. He or his assistants shall, at least once a week, examine the roadways leading to the escapement shaft or other openings for the safe exit of men to the surface; and shall make a record of any obstructions or other unsafe conditions existing therein, and cause the same to be promptly removed.

11. He shall examine or designate a competent person to examine the hoisting ropes, cages and safety catches every morning, and shall require the ropes to be tested by hoisting the cages before the men are lowered.

12. He must see that the top man and bottom man are on duty and that sufficient lights are maintained at the top and bottom landings when the miners are being hoisted and lowered.

13. The mine manager or his assistant shall be at his post at the mine when the men are lowered into the mine in the morning for work, and shall remain at night until all the men employed during the day shall have been hoisted out.

14. He shall give special attention to and instructions concerning the proper storage and handling of explosives in the mines.

15. He shall see that all dusty haulage roads are regularly and thoroughly sprayed, sprinkled or cleaned at regular intervals when the health and safety of the men in the mines demand.

(b) The mine manager shall have power:

1. To instruct employees as to their respective duties and to require of all employees obedience to the provisions of the mining law.

2. To prescribe special rules concerning the proper storage and handling of explosives in the mine and concerning the time and manner of placing and discharging the blasting shots, and it shall be unlawful for any miner to fire shots except according to such rules.

3. In mines in which the works are so extensive that all the duties devolving upon the mine manager cannot be discharged by one man, competent persons may be designated and appointed as assistants to the mine manager, who shall exercise his functions under the mine manager's instructions.

§ 21. CERTIFICATED MINE EXAMINERS.] (a) A certificated mine examiner shall be required at all coal mines. There shall be one or more additional certificated mine examiners whenever required in writing by the State mine inspectors when the conditions are such as to make the employment of such additional mine examiners necessary.

(b) It shall be the duty of the mine examiner:

1. To examine the underground workings of the mine within eight hours preceding every day upon which the mine is to be operated.

2. When in the performance of his duties, to carry with him a safety lamp in proper order and condition and a rod or bar for sounding the roof.

3. To see that the air current is traveling in its proper course and in proper quantity; and to measure with an anemometer the amount of air passing in the last cross-cut or break-through of each pair of entries, or in the last room of each division in long-wall mines, and at all other points where he may deem it necessary; and to note the result of such measurements in the mine examiner's book kept for that purpose.

4. To inspect all places where men are required in the performance of their duties to pass or to work, and to observe whether there are any recent falls or dangerous roof or accumulations of gas or dangerous conditions in rooms or roadways; and to examine especially all road-

ways leading to escapement shafts or other openings for the safe exit of men to the surface, the edges and accessible parts of recent falls and old gobs and air courses.

5. As evidence of his examination of said rooms and roadways, to inscribe in some suitable place on the walls of each, not on the face of the coal, with chalk, the month and the day of the month of his visit.

6. When working places are discovered in which there are recent falls or dangerous roof or dangerous conditions, to place a conspicuous mark or sign thereat as notice to all men to keep out; and in case of accumulation of gas, to place at least two conspicuous obstructions across the roadway not less than twenty feet apart, one of which shall be outside the last open cross-cut.

7. Upon completing his examination, to make a daily record of the same in a book kept for that purpose, for the information of the company, the inspector and all other persons interested; and this record shall be made each morning before the miners are permitted to enter the mine.

8. To take into his possession the entrance checks of all men whose working places have been shown by his examination and record to be dangerous, and to give such entrance checks to the mine manager before the men are permitted to enter the mine in the morning.

APPROVED June 27, 1913.

EXPLOSIVES IN COAL MINES.

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| § 1. Specifications. | [§] 6. Storage. |
| [§] 2. Sampling authorized. | [§] 7. Magazines. |
| [§] 3. Samples tested at U. S. Bureau of Mines. | [§] 8. Changing stamp, brand, etc. |
| [§] 4. Where samples taken. | [§] 9. Penalties for violations. |
| [§] 5. Samples found not to comply--prosecution. | |

(HOUSE BILL NO. 707. APPROVED JUNE 26, 1913.)

AN ACT to promote the safety of persons and property in coal mines by regulating the character of permissible explosives sold to be used in coal mines.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all permissible explosives for use in blasting coal in the State of Illinois shall conform to the following specifications:

(a) All permissible explosives offered for sale in the State of Illinois shall have printed on each cartridge and individual package the name of the manufacturer, the registered trade mark, brand, grade and a statement that it conforms in strength to that grade and brand established by the United States Bureau of Mines;

(b) Each shipping case shall have marked on it the total weight of explosives contained therein, and the average weight, length and diameter of each stick contained therein;

(c) Each shipping case containing permissible explosives shall be marked "Permissible Explosives."

(d) Each ingredient of a permissible explosive shall not vary more than the permitted variation established by the United States Bureau of Mines.

[§] 2. State mine inspectors, county mine inspectors, and the accredited representatives of the coal operators and coal miners shall have authority to sample permissible explosives used for blasting purposes in coal mines in the State of Illinois, or kept on hand for sale, or intended for shipment for use in such mines, and for such purposes, they may enter upon the premises of any person, firm or corporation.

[§] 3. If the state mine inspectors, county mine inspectors, or the accredited representatives of the coal operators or coal miners shall desire to have said sample tested for content, they shall send the same to the United States Bureau of Mines for that purpose.

[§] 4. When such samples are intended to be tested for content, they must be taken at the mill or warehouse of the manufacturer or manufacturer's agent, or in the railroad car for shipment at said mill or warehouse or the magazine at the mine, and said samples shall be taken in accordance with the rules established by the United States Bureau of Mines.

[§] 5. If samples of permissible explosives when tested as provided for in this Act shall be found not to comply with the provisions herein, the person, firm or corporation guilty of violating the provisions of this Act shall be prosecuted in accordance with the provisions hereof.

[§] 6. Permissible explosives shall be stored in magazines constructed in accordance with plans that shall be approved by the State Mine Inspector of the district in which the mine is located.

[§] 7. Every magazine shall be provided with a wooden floor which shall be kept free from grit and dirt. If more than one kind of explosives is kept in the same magazine, the magazine shall be divided into rooms by partitions; the different kinds of explosives shall be kept in different rooms, but no detonators, or blasting caps, or any device containing fulminating composition shall be kept in the same magazine with any explosive. All detonators, blasting caps or any device containing fulminating composition shall be kept separate in a safe and dry receptacle apart from any other explosive.

[§] 8. Any person, firm or corporation changing any stamp, brand, or specification denoting the contents of any package or cartridge shall be subject to the penalties provided for herein.

[§] 9. Any person, firm or corporation who shall sell for use in the coal mines in this State any permissible explosive not stamped as herein required, or who shall knowingly sell for use in coal mines in this State any permissible explosive which is untruthfully branded or stamped, and any person, firm or corporation being a manufacturer of permissible explosives, or the agent of any such manufacturer of permissible explosives, who shall sell for use in any coal mine in this State any permissible explosive which shall not conform to the requirements of this Act, shall be punishable by a fine of not exceeding one hundred

dollars (\$100.00) or by imprisonment in the county jail for not exceeding ninety (90) days, or both, in the discretion of the court: *Provided*, that nothing in this Act shall be construed to apply to permissible explosives shipped prior to this Act taking effect.

APPROVED June 26, 1913.

FIRE FIGHTING AND RESCUE STATIONS—ACT OF 1910 AMENDED.

§ 1. Amends sections 5, 6, 8 and 9, Act of 1910.

§ 5. As amended, provides for two extra assistants.

§ 6. As amended, fixes salary of station assistants.

§ 8. As amended, provides for coöperation with State mine inspector.

§ 9. As amended, provides for rooms at State house, and supplies to be furnished by Secretary of State.

(HOUSE BILL NO. 706. APPROVED JUNE 27, 1913.)

AN ACT to amend sections 5, 6, 8 and 9 of an Act entitled, "An Act to establish and maintain in the coal fields of Illinois mine fire fighting and rescue stations," approved March 4, 1910, in force July 1, 1910, title as amended by Act approved June 5, 1911, in force July 1, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 5, 6, 8 and 9 of an Act entitled, "An Act to establish and maintain in the coal fields of Illinois mine fire fighting and rescue stations," approved March 4, 1910, in force July 1, 1910, title as amended by Act approved June 5, 1911, in force July 1, 1911, be and the same are amended to read as follows:

§ 5. The said commission shall appoint as manager of three stations and of their work, a man experienced in mining and mine engineering. The manager shall, with the advice and consent of the said commission, appoint for each station a superintendent and an assistant. Each appointee shall serve for a term of two years and until his successor is appointed and qualified, unless sooner discharged by the said commission. Each appointee before entering upon the duties of his office shall take and subscribe to the oath of office as provided by law. The manager shall with the advice and consent of the commissioners, have authority to pay for such assistants as may be needed in giving instruction in first aid to the injured and similar technical subjects, and such other assistants and porters as may be needed from time to time to properly carry on the work of said rescue stations and such rescue cars as may be installed in connection with said stations, but not more than two extra assistants and one porter shall be employed for each rescue car.

§ 6. The manager shall receive two hundred and fifty dollars per month; each station superintendent, one hundred and twenty-five dollars per month; and each station assistant, one hundred dollars per month; and each appointee shall receive his necessary and actual expenses.

§ 8. Whenever the manager or the superintendent of any station shall be notified by any responsible person that an explosion or accident requir-

ing his services has occurred at any mine in the State, he shall proceed immediately with suitable equipment and on arrival at the said mine shall superintend the work of the rescue corps in saving life and property; and he shall coöperate with the State mine inspector and the management of the mine in rescue work to such extent as is necessary for the protection of human life in the mine, during such time as members of the rescue corps are under ground and while there is reasonable expectation that men entombed in the mine may be alive.

§ 9. The commission shall prepare a biennial report to the Governor and the General Assembly with necessary illustrations showing the work performed and money expended by the mine rescue service; and the State Board of Contracts is hereby directed to print and bind said reports promptly, and to provide all necessary printing for the mine rescue commission out of the appropriations for such board of contracts. The Secretary of State shall assign to the use of the commission, suitably furnished rooms in the State House, and shall also furnish whatever blanks, blank books, printing, stationery, instruments and supplies the commission may require in the discharge of its duties and for use of its employees.

APPROVED JUNE 27, 1913.

FIRE FIGHTING EQUIPMENT IN COAL MINES—ACT OF 1910 AMENDED.

§ 1. Amends sections 2 and 6, Act of 1910.

§ 2. As amended, paragraph (m) provides for recharging of extinguishers—exception.

§ 6. As amended, paragraph (a) provides for fireproof construction of drifts and slopes—paragraph (c) regulates location of stables.

(HOUSE BILL NO. 705. APPROVED JUNE 26, 1913.)

AN ACT to amend sections 2 and 6 of an Act entitled, "An Act to require fire fighting equipment and other means for the prevention and controlling of fires and the prevention of loss of life from fires in coal mines," approved and in force March 8, 1910, as amended by Act approved and in force June 7, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 2 and 6 of an Act entitled, "An Act to require fire fighting equipment and other means for the prevention and controlling of fires and the prevention of loss of life from fires in coal mines," approved and in force March 8, 1910, as amended by Act approved and in force June 7, 1911, be and the same are hereby amended so as to read as follows:

§ 2. (a) There shall be provided a supply of water for fighting fire underground which shall have a head from a standing body in a pipe, tank or pond.

(b) Such water supply shall be conducted into the mine in an iron or steel pipe or pipes not less than two inches in diameter, which shall have not less than two hose connections at the bottom of the hoisting shaft, and two hose connections at the bottom of the air and escapement shaft designated as such under the law, and two hose connections in each

stable which is located less than five hundred (500) feet from the bottom of either of said shafts; and there shall be iron or steel pipes not less than two inches in diameter in the entries and passageways leading from the bottom of each of said shafts to such extent and in such position that with one (1) fifty foot length of hose the water may be carried into all such entries and passageways within three hundred (300) feet from the bottom of each of said shafts and into the corresponding area in slope and drift mines, such area to be designated in this Act as the fire protected area:

(c) *Provided*, that in mines having one hundred and twenty-five (125) feet or less head at the bottom of the incoming supply pipe, the incoming pipes and the pipes having hose connections shall not be less than three (3) inches in diameter. The pipes in the mine shall have hose connections not more than fifty (50) feet apart beginning at the bottom of the incoming supply pipe or pipes.

(d) There shall be kept constantly on hand at the bottom of each shaft where hose connections are required, in condition for immediate use, not less than two (2) fifty (50) foot lengths of one and one-half ($1\frac{1}{2}$) inch inside diameter linen hose or rubber-lined cotton hose, which shall have been tested to a pressure of two hundred (200) pounds to the square inch; all of such hose and the connections therefor on the supply pipes shall have American standard iron pipe threads. The nozzles on such hose shall be not less than three-eighths ($\frac{3}{8}$) nor more than five-eighths ($\frac{5}{8}$) inch in diameter.

(e) Where any part of any passageway or other excavation within one hundred and fifty (150) feet of the bottom of the hoisting shaft or the air and escapement shaft designated as such under the law, and in the corresponding area in slope or drift mines, is timbered, with cribbing or more than one layer of lagging not including caps or wedges above the cross bars, there shall be two lines of automatic sprinklers on the under side of such timbering, attached to not less than one and one-half ($1\frac{1}{2}$) inch pipes connected with the fire fighting water supply, and such sprinklers shall not be more than ten (10) feet apart.

(f) In cribbing or lagging as last aforesaid, which is more than three (3) feet in vertical thickness, there shall be also, as near the top thereof as is practicable, automatic sprinklers connected with the water supply as last aforesaid and there shall be one such sprinkler for each eight (8) feet square of horizontal area of such cribbing or lagging.

(g) In every underground stable, located within one thousand (1,000) feet of the hoisting shaft or the air and escapement shaft designated as such under the law, there shall be not less than one (1) automatic water sprinkler for each area eight (8) feet square in said stable; such automatic sprinklers shall be connected with iron or steel pipes not less than one and one-half ($1\frac{1}{2}$) inches in diameter along the roof or ceiling in the stable, which shall be connected with the fire fighting water supply.

(h) All automatic sprinklers shall be of the fusible plug type and shall not require a temperature of more than one hundred and sixty-five (165) degrees Fahrenheit to release the water.

(i) In all underground stables other than those heretofore in this Act referred to, there shall be kept barrels full of water and two metal pails with each barrel. Such barrels shall be not more than fifty (50) feet apart, and there shall be not less than two (2) barrels full of water and two (2) metal pails with each barrel in each entry or passageway into which such stable opens and not more than fifty (50) feet from the opening of the stable.

(j) There shall also be one (1) not less than three (3) gallons chemical fire extinguishers and two (2) not less than six (6) gallon hand-pump buckets in each stable and in each entry or passageway into which such stable opens not more than fifty (50) feet from the opening of such stable: *Provided*, that in mines employing ten (10) men or less underground, the chemical fire extinguishers shall not be required. Such chemical fire extinguishers and hand-pump buckets shall be kept filled and ready for use.

(k) *Provided, however*, that in coal mines in which less than ten (10) men are employed, in which there are no stables, in lieu of said water supply with pipes and hose, there may be substituted the following: There shall be kept within the fire protected area in each such mine, barrels full of water not more than fifty (50) feet apart, and with each barrel there shall be two metal buckets; and there shall also be kept within said area not less than six (6) hand-pump buckets of not less than six (6) gallons capacity, and said buckets shall be kept filled and ready for use.

(l) A barrel within the meaning of this Act shall be any substantial vessel holding not less than fifty (50) gallons.

(m) All mines shall have at least one, not less than three (3) gallon chemical fire extinguisher, and one not less than six (6) gallon hand-pump bucket, including those hereinbefore in this Act required, for each fifty (50) employees in the mine with a minimum of six (6) extinguishers and six (6) pump buckets, kept at convenient places designated by the mine manager throughout the mine, and three (3) fire extinguishers of three (3) gallons each in each building located within one hundred (100) feet of any shaft, drift or slope, and such extinguishers shall be recharged once every six months and a record made of the date of recharging in the mine examiner's report book: *Provided*, this does not apply to buildings constructed of fire proof material. Such extinguishers and buckets shall be kept filled and ready for use: *Provided*, that in mines employing ten (10) men or less underground, the chemical fire extinguishers shall not be required. (Section 2 amended and approved June 7, 1911.)

§ 6. The following requirements also shall apply to all coal mines developed within the State of Illinois after the passage of this Act: *Provided*, that paragraphs (a) and (b) shall not apply to mines where ten (10) men or less are employed.

(a) The hoisting shaft and the air and escapement shaft designated as such under the law in shaft mines and the air and escapement shaft nearest the main opening in slope or drift mines, shall be of fireproof construction, except that cage guides may be wood. All drifts and slopes that are opened after the passage of this Act must be of fireproof construction for a distance of three hundred (300) feet from the entrance: *Provided*, that this section shall not apply to shafts in actual course of construction at the time this Act takes effect.

(b) The roof and walls of the passageways leading from the bottom of the hoisting shaft and the air and escapement shaft designated as such under the law, within a distance of three hundred (300) feet from the bottom of either of said shafts, shall be of fire proof construction, except that the coal rib or pillar may be used as a wall in such passageways.

(c) All underground stables and the openings therein shall be of fire-proof construction. Stables in mines opened after the passage of this Act shall not be located between the main and escapement shaft, or in direct line on the ventilating current or on passageways leading to the escapement shaft or shafts.

(d) At mines constructed in conformity with the requirements of this section of this Act, the fire fighting equipment described in section 2, and the fire drill described in section 5 of this Act shall not be required except that there shall be kept at convenient places designated by the mine manager, throughout each mine, one not less than three (3) gallons chemical fire extinguisher and one not less than six (6) gallon hand-pump bucket, for each fifty (50) employees in the mine with a minimum of six (6) extinguishers and six (6) pump buckets, and such extinguishers and buckets shall be kept filled and ready for use: *Provided*, that in mines employing ten (10) men or less underground, the chemical fire extinguishers shall not be required.

APPROVED June 26, 1913.

MINERAL LEASES—RELEASE OF FORFEITED.

- § 1. Forfeited lease to be released of record by owner—penalty for violation. | § 2. Actions to compel release.

(HOUSE BILL No. 34. FILED JULY 12, 1913.)

AN ACT for the purpose of requiring lessee, his, her or their heirs, representatives, successors or assigns to release of record coal and other mineral leases, when forfeited, and providing a penalty for failure, refusal or neglect so to do.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* When any lease on land heretofore or hereafter taken for the purpose of prospecting for coal or other mineral, or for the purpose of mining the coal or other mineral from said land, so leased, shall become forfeited by the terms of said lease or the acts of said lessee, his, her, or their heirs, representatives, successors or assigns, it shall be the duty of said lessee, his, her or their heirs, representatives, successors or assigns, within sixty days from the time this Act shall take effect, if such forfeiture take effect prior thereto, and within

sixty days from the date of forfeiture of any and all other leases, to have such lease or leases, released of record in the county where such land is situate, without any cost to the owner or owners of the land; and any failure so to do after notice and demand, shall constitute a misdemeanor and shall subject the offender to a fine of not more than two hundred dollars.

§ 2. Whenever the lessee of any coal or other mineral lands, or the person, firm, company or corporation, owning, holding or having control of any such lease shall allow the same to become forfeited, or by his, her or their acts shall forfeit the same, and shall refuse, fail or neglect to cause the same to be released of record in the county where said lands are situate, the lessor or owner of said lands may begin and maintain a civil action to compel said party to release the same of record and upon judgment being rendered decreeing said lease forfeited and directing the release, the said lessee, or the person, firm, company or corporation owning, holding or controlling said lease, shall be decreed to pay all costs accruing by said action, including a reasonable attorney fee to be taxed as cost.

FILED July 12, 1913.

The Governor having failed to return this bill to the General Assembly during its session, and having failed to file it in my office, with his objections, within ten days after the adjournment of the General Assembly, it has thereby become a law.

Witness my hand this 12th day of July, A. D. 1913.

HARRY WOODS.
Secretary of State.

MINERS' EXAMINING BOARD—REVISION.

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| § 1. Miners to obtain certificate of competency and qualification—apprentice. | § 8. Examinations under oath—issuance of certificates—record of proceedings. |
| § 2. Miners' Examining Board—appointment—oath—bond. | § 9. Annual report to Governor. |
| § 3. Qualifications of commissioners. | § 10. Violations—penalties. |
| § 4. Salary of commissioners. | § 11. Complaints and prosecutions. |
| § 5. Organization of board—records—seal. | § 12. Administration of oath—perjury. |
| § 6. Examinations monthly—notice of time and place. | § 13. Removal of commissioners. |
| § 7. Fees. | § 14. Invalid portion of Act. |
| | § 15. Repeals Act of 1909. |

(SENATE BILL NO. 332. APPROVED JUNE 27, 1913.)

AN ACT to provide for the safety of persons employed in and about coal mines, and to provide for the examinations of persons seeking employment therein in order that only competent persons may be employed as miners, and to create a board of examiners for this purpose and to provide a penalty for the violation of the same, and to repeal an Act entitled, "An Act to amend an Act entitled, 'An Act to provide for the safety of persons employed in and about coal mines and to provide for the examination of persons seeking employment as coal miners, and providing penalties for the violation of the same,' approved June 1, 1908, in force July 1, 1908," approved June 5, 1909, in force July 1, 1909.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That hereafter no person shall be

employed or engaged as a miner in any coal mine in this State without having first obtained a certificate of competency and qualification so to do from the "Miners' Examining Board" of this State, created by this Act: *Provided, however,* that any such certificated miner may have one person working with him and under his directions as an apprentice for the purpose of learning the business of mining and becoming qualified to obtain a certificate in conformity with the provisions of this Act.

§ 2. The Governor shall, by and with the advice and consent of the Senate, within thirty days after this Act shall take effect, appoint three persons as Miners' Examining Commissioners, who shall constitute the Miners' Examining Board, for the State of Illinois, and who shall hold office as follows: One of said appointees shall hold office until March 1, 1914, one until March 1, 1915, and one until March 1, 1916, and on the first day of March of each year after this Act shall take effect, one member of said board shall be appointed and the term of office thereafter shall be three years for each member, or until his successor is appointed and qualified. Two of such commissioners shall constitute a quorum. Said commissioners shall hold no other lucrative office or employment under the government of the United States, State of Illinois, or any political division thereof or any municipal corporation therein and each commissioner before entering upon the duties of his office shall subscribe and take the oath prescribed by the Constitution of this State, and shall before entering upon the duties of his office give a bond with sufficient surety to be approved by the Governor, payable to the People of the State of Illinois, in the penal sum of five thousand dollars (\$5,000), conditioned for the faithful discharge of his duties of office and the delivery of all records, books, moneys, and other property pertaining to his office to his successor in office, which said bond shall be deposited in the office of the Auditor of Public Accounts.

§ 3. No person shall be appointed such miners' examining commissioner who has not had at least five years' practical and continuous experience as a coal miner and who has not been actually engaged in coal mining as a miner in the State of Illinois continuously for twelve months next preceding his appointment: *Provided, however,* that a commissioner may be appointed to succeed himself.

§ 4. Each of said commissioners shall receive a salary of fifteen hundred dollars (\$1,500.00) per year, payable monthly, such salary to be paid on the certificate of the president of said board, verified by the commissioner receiving the same, and approved by the Governor.

§ 5. Immediately after the appointment or reappointment of a commissioner in each and every year, the said board shall organize by selecting one of its members president and another secretary for the ensuing year, and all records, reports, books, papers and other property pertaining to the office of said board shall be kept by the secretary. The secretary shall be provided with a seal with proper device and on the margin thereof shall be the words, "Miners' Examining Board, State of Illinois."

§ 6. Such board shall hold an examination once in each calendar month, in at least twelve places located most conveniently with reference to the districts in which coal is mined in the State of Illinois so that all persons in such districts or in this State, or who may wish to come into this State, for the purpose of engaging in mining, may be examined as to their competency and qualifications. Notice of the time and place of such examinations shall be published in some newspaper of general circulation printed in the English language and published in the vicinity where such examination will be held. Such notice shall be published at least three times before the date of such examination, the first publication not less than seven days before the examination is to occur. If there is not such newspaper published at the place of such examination, then such notice shall be published in the newspaper nearest to the place of such examination.

§ 7. Each applicant for the certificate provided for herein shall pay a fee of \$2.00 to said board. Fees so collected during each month shall, before the 10th day of the following month, be paid by the board to the State Treasurer, together with a report showing where and from whom each fee was collected.

§ 8. All examinations held by said Miners' Examining Board shall be conducted in the English language and shall be of a practical nature so as to determine the competency and qualification of the applicant to engage in the business of mining. Said board shall examine under oath all persons who apply for certificates as to their previous experience as miners and shall grant certificates of competency or qualification to such applicants as are qualified, which certificates shall entitle the holder thereof to be employed as and to do the work of miners in this State. No certificate of competency shall issue or be given to any person under this Act unless he shall produce evidence of having had not less than two years' practical experience as a miner or with a miner, and in no case shall an applicant be deemed competent unless he appear in person before said board and orally answer intelligently and correctly at least twelve practical questions propounded to him by the board pertaining to the requirements and qualifications of a practical miner. Said board shall keep an accurate record of its proceedings and meetings and in said record shall show a correct detailed account of the examination of each applicant with questions asked and their answers, and at each of its meetings the board shall keep said record open for public inspection. No miner's certificate granted under the provisions of this Act shall be transferable and any effort to transfer the same shall be deemed a violation of this Act. Such certificates shall be issued only at meetings of said board and said certificates shall not be legal unless signed by at least two members of said board and sealed with the seal of the board issuing such certificates.

§ 9. Said board shall annually on the first day of March, report to the Governor, in writing, what examinations it has held and what work it has done during the preceding year, together with such recommendations as it may deem advisable for the improvement of the method of holding examinations and carrying out the purposes of this Act.

§ 10. No person shall hereafter engage as a miner in any coal mine without having obtained a certificate of qualification as provided for in this Act, nor shall any person, firm, or corporation employ as a miner in his, their or its mine in this State, any person who does not hold such certificate, nor shall any mine foreman, overseer, or superintendent permit or suffer any person to be employed under him or in any mines under his charge or supervision as a miner in any mine in this State, except as herein provided, who does not hold such certificate of qualification. Any person, firm or corporation who shall violate or fail to comply with the provisions of this Act, shall be deemed guilty of misdemeanor and on conviction thereof, shall be fined in any sum not less than one hundred dollars (\$100.00), and not more than five hundred dollars (\$500.00), or shall be imprisoned in the county jail for a term of not less than thirty days, nor to exceed six months, at the discretion of the court.

§ 11. It shall be the duty of said Miners' Examining Board to report all complaints or charges of non-compliance with, or violation of the provisions of this Act to the State's attorney of the county in which such non-compliance or violation occurs, and it shall be the duty of the State's attorney of the county wherein the complaints or charges are made, to investigate the same and prosecute all persons so offending.

§ 12. In order to more effectively carry out the intention and purposes of this Act, the Miners' Examining Board shall have power to administer oaths to any and all persons who are applicants or may vouch in any manner for the service or qualification of any applicant in order to obtain for him a certificate hereunder, and any person who shall wilfully swear or falsely testify as to any matter material to such examination or as to the service or qualification of any applicant, shall be deemed guilty of perjury and shall be subject to the penalties thereof as prescribed by the criminal code of this State.

§ 13. The Governor shall have the power and authority to remove any of said commissioners for neglect of duty, incompetency, or malfeasance in office, and upon such removal shall appoint a successor.

§ 14. The invalidity of any section or part of this Act, shall in no manner affect the validity of any other part or of this Act, exclusive of such invalid part or parts, if any.

§ 15. That an Act entitled, "An Act to amend an Act entitled, 'An Act to provide for the safety of persons employed in and about coal mines, and to provide for the examination of persons seeking employment as coal miners, and providing penalties for the violation of the same, approved June 1, 1908,' approved June 5, 1909, in force July 1, 1909," be and the same is hereby repealed.

APPROVED June 27, 1913.

SHOT FIRERS IN MINES—"DEAD HOLE" DEFINED.

§ 1. Amends sections 2 and 7, Act of 1905.

§ 7. As amended, defines "dead hole."

§ 2. As amended, requires shot firers to be experienced miners.

(HOUSE BILL NO. 708. APPROVED JUNE 27, 1913.)

AN ACT to amend sections 2 and 7 of an Act entitled, "An Act providing that operators of mines shall furnish shot firers in mines where shooting and blasting is done," approved May 18, 1905, in force July 1, 1905, as amended by Act approved May 20, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 2 and 7 of an Act entitled, "An Act providing that operators of mines shall furnish shot firers in mines where shooting and blasting is done," approved May 18, 1905, in force July 1, 1905, as amended by Act approved May 20, 1907, in force July 1, 1907, be and the same are hereby amended so as to read as follows:

§ 2. In all mines in this State where coal is blasted, and where more than two pounds of powder is used for any one blast; and, also, in all mines in this State where gas is generated in dangerous quantities, a sufficient number of practical, experienced miners, to be designated as shot firers, shall be employed by the company, and at its expense, whose duty it shall be to inspect and do all the firing of all blasts, prepared in a practical, workmanlike manner in said mine or mines.

§ 7. No person or persons shall order, command or induce by threat or otherwise, any shot firer to fire any unlawful shot, or any shot which in his judgment, after due inspection, shall not be a workmanlike, proper and practical shot.

No person shall drill or shoot a dead hole as hereinafter defined. A "dead hole" is a hole where the width of the shot at the point measured at right angles to the line of the hole is so great that the heel is not of sufficient strength to at least balance the resistance at the point. The heel means that part of the shot which lies outside of the powder.

APPROVED June 27, 1913.

OIL INSPECTION.

OIL INSPECTORS.

§ 1. Amends section 1, Act of 1874.

§ 1. As amended, adds provision for fees in lieu of salary.

(SENATE BILL NO. 349. APPROVED JUNE 27, 1913.)

AN ACT to amend section 1 of an Act entitled, "An Act to revise the law in relation to oil inspection," approved March 12, 1874, in force July 1, 1874, as amended by an Act approved May 29, 1911, in force July 1, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an Act entitled,

"An Act to revise the law in relation to oil inspection," approved March 12, 1874, in force July 1, 1874, as amended by an Act approved May 29, 1911, in force July 1, 1911, be and the same is hereby amended so as to read as follows:

§ 1. APPOINTMENT OF INSPECTORS—TERM OF OFFICE—FEES—SALARY.] The mayor of any city, with the approval of the city council, the president of the board of trustees of any village or incorporated town, with the approval of such board of trustees, may, and on the petition of any five inhabitants thereof, shall, appoint one or more inspectors for the inspection of coal oil, petroleum, naphtha, gasoline, benzine, and other mineral oils or fluids, fix the compensation of such inspectors and prescribe the fees to be paid by those for whom such inspectors render services. The county judge of any county may appoint such inspectors for territory not within city limits, village, or incorporated town, fix their compensation and fees. Every such inspector shall hold office for one year, and until his successor is qualified, and with the approval of the power appointing him, may appoint deputies, for whom he shall be responsible, who shall take the same oath and be liable to the same penalties as the inspector. All fees collected by such inspector or deputy shall be paid by him into the county, city, village or town treasury and be the property of such county, city, village or town. The salary of such inspector shall not exceed five thousand dollars (\$5,000.00) per year: *Provided*, that any city having a population of less than one hundred thousand (100,000), or any village or town may by ordinance provide that such inspector or deputy shall receive in lieu of salary the fees collected by him.

APPROVED June 27, 1913.

PARKS.

LINCOLN PARK COMMISSIONERS—SHERIDAN ROAD.

§ 1. Boulevard and driveway.

§ 2. Eminent domain.

§ 3. Taxes and assessments.

§ 4. Control of park commissioners.

§ 5. Reversion to corporate authorities—when.

§ 6. City, etc., may grant control to park commissioners.

(HOUSE BILL NO. 781. APPROVED JUNE 28, 1913.)

AN ACT to enable The Commissioners of Lincoln Park to take, regulate, control, improve, locate, extend, diminish, widen, straighten and otherwise deal with the public street or boulevard known and to be known as Sheridan Road, now under the control of incorporated cities, towns, villages, park districts, townships and counties, which leads from Lincoln Park, a public park in the city of Chicago, to the northern boundary of the State of Illinois and to provide for the power of eminent domain to carry out the authority herein granted and to provide the method of securing funds for the improvement and maintenance of said road.

SECTION 1. BOULEVARD AND DRIVEWAY.] Be it enacted by the People of the State of Illinois, represented in the General Assembly: That The

Commissioners of Lincoln Park of the county of Cook are hereby authorized to take, regulate, control, improve, locate, extend, diminish, widen, straighten and otherwise deal with a public street thoroughfare, boulevard or driveway known and to be known as Sheridan Road, running from Lincoln Park, a public park now under the control of The Commissioners of Lincoln Park, in the city of Chicago, county of Cook, Illinois, through said city of Chicago and that portion of Cook county north of Chicago and through the county of Lake to the northern boundary of the State of Illinois, said territory containing the North Shore Park District in said city of Chicago, the city of Evanston, the village of Wilmette, the township of New Trier, the village of Kenilworth, the village of Winnetka, the village of Glencoe, all in the county of Cook; the city of Highland Park, the Fort Sheridan Reservation, the township of Deerfield, the city of Lake Forest, the village of Lake Bluff, the township of Shields, the city of North Chicago, the city of Waukegan, the township of Waukegan, Zion City, the village of Winthrop Harbor and the township of Benton, all in Lake county, Illinois: *Provided*, the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on the said Sheridan Road in each municipality or park district or in that portion of each township not within any city or village shall be first obtained: *And, provided, further*, that the consent, expressed by resolution, or otherwise, of the authorities of each municipality, park district and township shall first be obtained. In case the consent of such abutting owners is not obtained, as herein provided, in any one or more of said cities, villages, towns, townships or park districts that fact shall not be construed to abridge the power of The Commissioners of Lincoln Park to take over the control of said Sheridan Road in such cities, towns, villages, townships or park districts in which the said consent may be obtained: *Provided*, the consent of the authorities of such cities, towns, villages, townships or park districts has also been obtained.

§ 2. EMINENT DOMAIN.] The Commissioners of Lincoln Park may enter upon any land to make surveys and examinations for the purpose of locating, extending, widening or straightening or otherwise improving or altering said Sheridan Road and may for said purposes take and damage private property.

When it shall be necessary, for the purpose of locating, extending, widening, straightening, improving or altering said Sheridan Road, to take or damage any property, the same may be done and the compensation therefor ascertained and made in the manner which may be at that time provided by law for the exercise of the right of eminent domain.

§ 3. TAXES AND ASSESSMENTS.] That in all cases when said Sheridan Road, or part thereof, or an extension thereof, so to be taken for a driveway or boulevard by The Commissioners of Lincoln Park shall lie in a city, town, village, township or park district, the territory of which is not taxed for the maintenance of said Lincoln Park, The Commissioners of Lincoln Park shall certify to the local municipal authorities of said cities, towns, villages, townships or to the commissioners of the

said local park districts the amount of taxes required within the jurisdiction of such cities, towns, villages, townships or park districts for the improvement of said Sheridan Road, street or driveway; and thereupon it shall be the duty of said local authorities of said city, town, village, township or park district to levy or cause to be levied according to law a special tax or assessment on property benefited for such sum so certified. And such special tax or special assessment shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes so far as the same are applicable; and such fund when so collected shall be paid over by the respective collectors to The Commissioners of Lincoln Park upon their sole receipt and shall be expended by said The Commissioners of Lincoln Park for the improvement of said road, only within the municipality, township or district for which the tax is levied and for the purposes stated within the requisition and none other.

It shall be the duty of The Commissioners of Lincoln Park after the improvement of said Sheridan Road within any such municipality, township or district, to make an estimate of the amount of money required during the succeeding year for the maintenance, repair, up-keep and government of such road in each city, town, village, township or park district through which the said road shall extend, which estimate shall be made and certified to the local authorities of such municipalities, townships or districts on or before the first day of September in each year. And it shall be the duty of said corporate authorities or commissioners in each such municipality, township or park district to meet on the first Wednesday in October in each year and fix upon and determine the amount of tax necessary for the purpose aforesaid, and immediately to certify to the county clerk in the county in which such taxing body is situated the amount to be raised by taxation for the purposes aforesaid in their respective municipalities, townships or districts and the county clerk shall compute and extend the same as other general taxes, but such tax shall be placed in a separate column headed, "Driveway Maintenance Tax." The taxes so levied and collected shall be paid to said The Commissioners of Lincoln Park upon their sole receipt to be expended by them within the district for which the taxes are levied for the purpose of such maintenance, repair, up-keep and government and for none other.

If the corporate authorities or commissioners of such municipality, township or park district after such road is improved and extended shall refuse and neglect to fix and determine the amount to be raised for the government and maintenance of such road in such town, it shall be the duty of The Commissioners of Lincoln Park to meet at the county clerk's office in each county through which such road extends, at such time or times as may be determined upon by them and fix upon and determine the amount to be collected in each city, town, village, township or park district for the purpose aforesaid and certify the same to the county clerk, who shall thereupon proceed as if such sums were certified by the proper corporate authorities or park commissioners of such cities, towns,

villages, townships or park districts and for the performance of this duty The Commissioners of Lincoln Park shall be deemed corporate authorities of such city, town, village, township or park district and responsible as such.

§ 4. CONTROL OF PARK COMMISSIONERS.] Said [The] Commissioners of Lincoln Park shall have, in addition to the power herein conferred, the same power and control over the said Sheridan Road, or any part thereof, under this Act, as is now or may be by law vested in them, of and concerning the parks, boulevards or driveways now under their control and may acquire title to lands, necessary to carry out the purposes of this Act, by gift and purchase, as well as by eminent domain: *Provided*, that the power and control conferred on The Commissioners of Lincoln Park by this Act shall not be construed to be in limitation of the power of the authorities of the cities, towns and villages to enforce the ordinances thereof within the limits of the said Sheridan Road.

§ 5. REVERSION TO CORPORATE AUTHORITIES—WHEN.] In case the said Sheridan Road, or any part thereof, shall pass from the control of said The Commissioners of Lincoln Park, the power and authority over the same granted or authorized by this Act shall revert to the proper corporate authorities or park commissioners of such city, town, village, township or park district respectively, aforesaid.

§ 6. CITY, ETC., MAY GRANT CONTROL TO PARK COMMISSIONERS.] Any city, town, village, township or board of park commissioners in this State shall have full power and authority by appropriate ordinance or resolution to vest said The Commissioners of Lincoln Park with the right to take over under the terms of this Act, any of the streets of such city, town, village, township or park district which may be used for the purpose of carrying out the provisions and conditions of this Act.

APPROVED June 28, 1913.

PARK POLICE PENSION FUND—REVISION.

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| § 1. What moneys to constitute pension fund. | § 7. Examination after retirement for disability—emergency service. |
| § 2. Board of trustees—appointment and election—terms—vacancies—rooms. | § 8. When pension allowance shall cease. |
| § 3. Who entitled to pension—limitation—beneficiaries. | § 9. Meetings of board—officers—proceedings. |
| § 4. Retirement for physical disability—limitation of allowance. | § 10. Powers and authority of board. |
| § 5. Certificate of disability. | § 11. Collection of funds. |
| § 6. Death—injuries—insanity. | § 12. <i>Pro rata</i> allowances. |
| | § 13. Repeal—proviso. |

(SENATE BILL NO. 146. APPROVED MAY 23, 1913.)

AN ACT entitled, *An Act to provide for the setting apart, formation, administration and disbursement of a park police pension fund.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any persons have been or may be appointed or otherwise selected as commissioners or offi-

cers and constitute a board of park commissioners for any one or more towns, whether said towns have heretofore [heretofore] existed or now exist under and in pursuance of any Act or Acts of the General Assembly of this State, for the purpose of locating, establishing, enclosing, improving or maintaining any public park, boulevard, driveway, highway or other public work or improvement, and such board of park commissioners shall have established a police force or department of police under the employ of such board of park commissioners, there shall be set apart the following moneys to constitute a police pension fund:

1. One and one-half per cent per month, which shall be paid by or deducted from the salary of each and every member of such police department: *Provided*, no such member shall be compelled to pay more than three dollars (\$3.00) a month from his salary.

3. All moneys received from fines imposed upon members of such police department for violation of the rules and regulations of such police department.

4. All rewards given or paid to members of such police department, except such as shall be excepted by the chief officer of such police department.

5. All fines and penalties collected for violations of any of the ordinances of such board of park commissioners or of any of the laws of the State of Illinois within the territory under the control of such board of park commissioners, in all cases in which arrests for violation of such law shall be made by officers of such police department.

§ 2. A board, composed of five members, residents of such one or more towns, to be chosen as hereinafter provided, shall be and constitute a board of trustees to provide for the handling and disbursement of said fund or funds and designate the beneficiaries thereof, as herein directed—which board shall be known as the board of trustees of the police pension fund of the park board of commissioners of such one or more towns. Three shall be appointed by the president of the board of park commissioners of such one or more towns.

Those members of said board of trustees who were heretofore appointed under and by virtue of an Act entitled, "An Act to provide for the setting apart, formation, administration and disbursement of a park police pension fund," approved May 13, [31] 1911, in force July 1, 1911, shall serve for the term for which they were respectively appointed or until such time as their successors are appointed and *and* qualified thereupon; the successors of any of the foregoing trustees shall serve for a period of three years each, or until such time as their successors are appointed and qualified. The said three members of said board shall be residents of such town or towns and shall not hold, during their term of membership on such board, any appointive or elective political offices or positions. The remaining two members of said board shall be chosen, one from the active police force of such police department, and one from the body of pensioners under this Act, who shall have been members of

such police department: *Provided*, that if there be no such pensioners, then said remaining two trustees shall be chosen from the active police force of such police department.

The members to be chosen from the active police force shall be elected by ballot at an annual election, at which election all members of the active police force shall be entitled to vote. The members to be chosen from the body of pensioners under this Act shall be elected by ballot at an annual election, at which election all retired members of the police force who are pensioners under this Act, and the widows of all deceased pensioners, who are pensioners under this Act, shall be entitled to vote. In the event there shall be no widow surviving, then the guardian of any children of such deceased pensioners, where such children are also pensioners, may cast the vote to which such widow would have been entitled had she survived.

The election in this section provided for shall be held annually on the third Tuesday in July, under rules and regulations prescribed by the board of trustees; at such place or places in such town or towns and under such regulations as shall be prescribed by the three appointive members of said board: *Provided, however*, that no person entitled to vote under the provision of this section shall cast more than one vote at any such election.

The members to be elected from the active police force and from the body of pensioners shall each serve for a period of one year, or until their successors are elected and qualified.

In the event of the death, resignation or inability to act of any member of said board elected under the provisions of this section, a successor of such member shall be elected at a special election, which shall be called by said board within thirty days after such vacancy, and shall be conducted in the same manner as are the annual elections hereunder.

Suitable rooms for offices and meetings of such board shall be assigned and provided by the park board of commissioners of such one or more towns.

§ 3. Whenever any person, at the time of the taking effect of this Act or thereafter, shall have been duly appointed and have served for a period of twenty years or more upon the regularly constituted police force of such park board of commissioners for such one or more towns, subject to the provisions of this Act, or where the combined years of service of any person upon the police force of such park board of commissioners shall aggregate twenty years or more, said board shall order and direct that such person, after his service on such police force shall have ceased, shall be paid a yearly pension equal to one-half the amount of salary attached to the rank which he may have held on said police force for one year immediately prior to the time of such retirement: *Provided, however*, the maximum of said pension shall not exceed the sum of nine hundred dollars (\$900.00), and the minimum shall not be less than six hundred dollars (\$600.00) per annum; and after the death of such person pensioned by virtue of this Act or any Act amendatory thereof, the widow or the child or children under sixteen years of age

of any such pensioner, or if there be no widow, child or children under sixteen years of age, then the father or mother of said pensioner shall thereafter be paid the pension herein provided for such husband or father; but nothing herein contained shall warrant the payment of any annuity to any such widow after she shall have remarried, or to any child of any such pensioner after he or she shall arrive at the age of sixteen years.

§ 4. Whenever any person, while serving as a policeman under the employment of any such park board of commissioners, shall become physically disabled, said board shall, upon his written request, or without such request if it deem it for the good of said police force, retire such person from active service and order and direct that he be paid from said fund a yearly pension not exceeding one-half the amount of the salary attached to the rank which he may have held on said police force at the time of his retirement: *Provided*, that the maximum sum of such pension shall not exceed the sum of nine hundred dollars (\$900.00) per year, and the minimum not less than six hundred dollars (\$600.00) per year: *Provided, further*, that whenever such disability shall cease, such pension shall cease.

§ 5. No person shall be retired as provided in the next preceding section, or receive any benefit from such fund, unless there shall be filed with said board certificates of his disability, which certificates shall be subscribed by said person and by the police sergeant, if there be one, and by two practicing physicians of such one or more towns, and such board may require other evidence of disability before ordering such retirement and payment as aforesaid.

§ 6. Whenever any member of the police force of such board of commissioners shall lose his life while in the performance of his duty, or receive injuries from which he shall thereafter die, leaving a widow, or child or children under the age of sixteen years, or if there be no widow, child or children under sixteen years of age, but a father or mother of said pensioner, then, upon satisfactory proof of such facts made to it, such board shall order and direct that a yearly pension of one-half the salary received by said member, not to exceed nine hundred dollars (\$900.00), and the minimum not less than six hundred dollars (\$600.00) per year shall be paid to such widow, during her life or if there be no widow, then to such child or children until they shall be sixteen years of age, or if there be no widow, child or children under sixteen years of age, then to the father or mother of said pensioner: *Provided*, if such widow, child or children shall marry, then such person so marrying shall thereafter receive no further pension from said fund: *And, provided further*, that whenever any member of the police force of such board of commissioners has been retired after twenty years' service, or physical disability, and shall then marry, such wife or child or children of such marriage shall after his death receive no pension from said fund.

Whenever any member of such police force shall die or become insane after ten years' service therein, and while still in such service as such

policeman, leaving a widow, or child or children under the age of sixteen years, or if there be no widow, child or children under sixteen years of age, then to the father or mother of said pensioner, then, upon satisfactory proof of such facts made to it, said board shall order and direct that a pension of one-half the salary, not exceeding the sum of nine hundred dollars (\$900.00), shall be paid to such widow, or if there be no widow, then to such child or children until they shall be sixteen years of age, or if there be no widow, child or children under sixteen years of age, then to the father or mother of said pensioner, said pension to cease upon marriage, as provided hereinbefore.

§ 7. Any person retired for disability under this Act may be summoned to appear before the board of trustees herein provided for, at any time hereafter, and shall submit himself thereto for examination as to his fitness for duty, and shall abide the decision and order of such board with reference thereto; and all members of the police force who may be retired under the provisions of this Act, except those who voluntarily retire after twenty years' service, shall report to the chief or commanding officer of police of such board of commissioners on the second Tuesday of each and every month, unless excused in writing by the general superintendent of police, and in case of emergency may be assigned to and shall perform such duty as said chief or commanding officer may direct, and such person shall have no claim against said board of commissioners for payment for such duty so performed.

§ 8. Whenever any person who shall have received any benefit from said fund shall be convicted of any felony or shall have become a habitual drunkard, or shall become a non-resident of this State, or shall fail to report himself for examination for duty, as required herein, unless excused by the board of trustees, or shall disobey the requirements of said board under this Act in respect to said examination or duty, then such board shall order that such pension allowance as may have been granted to such person shall immediately cease and determine, and such person shall receive no further pension, allowance or benefit under this Act.

§ 9. The board herein provided for shall hold quarterly meetings on the third Tuesday in July, October, January and April of each year, and special meetings upon the call of the president of said board. On the second Tuesday of July of each year it shall select one of its members, who shall act as the president of such board for the period of one year, or until such time as his successor is elected and qualified. Said board shall on the same day also select another of its members, who shall act as the treasurer and also secretary of said board for the period of one year, or until such time as his successor is elected and qualified.

Said board shall issue certificates, signed by its president and secretary, to the persons entitled thereto, of the amount of money ordered paid to such persons from said fund by said board, which certificates shall state for what purposes said payment is made. Said board shall keep a record of all its proceedings, which record shall be a public record. Said board shall submit quarterly to the board of commissioners of such one or more towns a list of persons entitled to payments from the funds

herein provided, stating the amount of such payments and for what granted, as ordered by such board, which list shall be signed and certified by the treasurer and president of such board and attested by such treasurer under oath: *Provided*, that no resolution shall be passed or order made for the payment of money unless by affirmative vote of a majority of the members of said board.

§ 10. In addition to the other powers herein granted, the following further powers and authority are hereby conferred upon said board:

1. Said board shall have exclusive control an [and] management of the fund mentioned herein and of all moneys donated, paid or assessed for the relief or pensioning of disabled superannuated and retired members of the police department, their widows and minor children, the same to be placed by the treasurer of said board to the credit of such fund, subject to the order of such board.

2. All rewards, money, gifts, fees or emoluments that may be paid or given for or on account of extraordinary service by said police department or to any member thereof, except when allowed to be retained by said member or given to endow a medal or other competitive reward, shall be paid into said pension fund. The said board may take by gift, grant, devise or bequest any money, real estate, personal property, right of property or other valuable thing, the income only of which shall be available for the uses and purposes of such pension fund.

3. Said board of trustees shall have the power to draw such pension funds from the treasurer or other officials of such board of commissioners and may invest such fund or any part thereof in the name of the board of trustees of said police pension fund in interest bearing bonds of the United States, or of the State of Illinois, or of any county of this State, or of any township, or of any municipal corporation of the State of Illinois, and all such securities shall be deposited with the treasurer of said board and shall be subject to the order of said board. Said treasurer of said board shall furnish a good and sufficient bond to said board, for an amount to be fixed by said board, all costs incidental to the same to be paid out of said pension fund.

4. All interest and income derived from such investment of such fund or from any moneys of said funds deposited in bank shall belong to and be at the disposal of said board of trustees for the sole use and benefit of the police pension fund.

5. To compel witnesses to attend and testify before it upon all matters connected with the operation of this Act, in the same manner as is or may be provided by law for the taking of testimony before masters in chancery, and its president or any member of said board may administer oaths to such witnesses.

6. To appoint a clerk and define his duties.

7. To provide for the payment from said fund of all its necessary expenses, including clerk hire, attorneys' fees, printing, stationery and witness fees: *Provided*, that no compensation or emolument shall be paid to any member of said board for any duty required or performed under this Act.

8. Make all necessary rules and regulations for its guidance, in conformity with the provisions of this Act.

§ 11. On the third Tuesday in May of each year, the treasurer and all other officials of such park board of commissioners, and the proper officials of any other municipality who shall have the custody or possession of any of such pension funds herein provided, shall make a sworn statement to the board of trustees of such police pension fund and to the president of such park board of commissioners of such one or more towns of all moneys received and paid out by such officials on account of said pension fund during the year, and of the amount of said funds then on hand and owing to said pension fund. All surplus then remaining in said official's hands shall be paid by him to the treasurer of said pension board: *And, provided, further*, any such official shall at any and all times, upon demand by said pension board, furnish to said board statements or information of any kind relative to said official's method of collection and handling of said pension funds: *Provided, further*, that all books and records of such official shall be at all times open for examination and inspection by said board of pension trustees, for the purposes herein provided.

§ 12. If at any time there shall not be sufficient moneys belonging to such pension fund to pay the allowance by such board to its beneficiaries, then such beneficiaries shall be paid *pro rata* from such fund; and no allowance or order of such board of any pension shall be held to create any liability against any board of park commissioners except upon the fund so set apart as herein provided for the payment thereof.

§ 13. An Act entitled, "An Act to provide for the setting apart, formation, administration and disbursement of a park police pension fund," approved May 31, 1911, in force July 1, 1911, and all Acts or parts of Acts or amendments thereto heretofore enacted and in any manner conflicting with the provisions of this Act are hereby expressly repealed, and all fines and penalties described in paragraph 5 of section 1 hereof shall be set apart for the police pension fund as provided in this Act, regardless of and notwithstanding any different disposition of such fines and penalties provided for by any other Act. All moneys, fines and penalties in the possession of any such board of trustees, or to which any such board may be by law entitled, shall upon the taking effect of this Act, become the property for the uses and purposes herein set forth of the board succeeding that appointed under and by virtue of said Act of May 31, 1911.

APPROVED May 23, 1913.

STATE PARKS—POWER OF ILLINOIS PARK COMMISSION.

§ 1. Amends section 2, Act of 1911.

§ 2. As amended, paragraph 8 grants power of eminent domain—proceedings directed by Attorney General.

(HOUSE BILL NO. 414. APPROVED JUNE 27, 1913.)

AN ACT to amend section 2 of an Act entitled, "*An Act in relation to the acquisition, control, maintenance, improvements and protection of State parks, and making an appropriation to carry into effect the provisions of this Act,*" approved June 10, 1911, in force July 1, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 2 of "*An Act in relation to the acquisition, control, maintenance, improvements and protection of State parks and making an appropriation to carry into effect the provisions of this Act,*" approved June 10, 1911, in force July 1, 1911, be amended so that section 2 shall read as follows:

§ 2. The Illinois Park Commission shall have power:

1. To have the care, charge, control, supervision and management of all public parks heretofore acquired by the State under the provisions of this Act, or which may hereafter, be acquired.

2. To make such rules and regulations for the use, care and administration of State parks as may be necessary to carry into effect the powers hereby expressly granted and enforce the same.

3. To lay out and ornament any State park and govern and manage the same.

4. To lay out, construct and maintain all proper roads, walks, bridle paths, bridges in any State park.

5. To permit the use of State parks by campers and pleasure parties under such restrictions, rules and regulations as said commission may deem necessary.

6. To employ such custodians, keepers, clerks, assistants, laborers and subordinates as may be necessary to carry into effect the provisions of this Act.

7. To lease any lands or premises situated within the limits of any State park which, in the opinion of said commission can be leased without detriment to such park.

8. To purchase, or acquire, for and in the name of the State of Illinois, title to such tracts of land which the General Assembly may from time to time authorize to be acquired as and for State parks, and in case the Illinois Park Commission cannot acquire title to any land necessary for such public parks at a reasonable price in the opinion of said commission, authority for the purchase of which appropriations for the payment of the same having been made by the General Assembly, then the said commission is hereby vested with power, in the name of the People of the State of Illinois, to obtain title to such land, or to any part or parcel thereof, by condemnation under the eminent domain laws of this State: *Provided*, that all negotiations and legal proceedings provided for by this Act shall be under the direct supervision of the Attorney General of this State.

9. To investigate and report to the Governor, on or before the first day of January next preceding the regular session of the General Assembly, regarding any proposed park, and in such report shall make recommendations respecting other regions in Illinois desirable for State park purposes, either on account of their historical interest or their natural beauty.

APPROVED June 27, 1913.

PENITENTIARIES.

SOUTHERN PENITENTIARY—OFFICERS AND EMPLOYEES.

§ 1. Amends section 14, Act of 1877.

§ 2. Emergency.

§ 14. Uniformity in laws and regulations.

(SENATE BILL NO. 553. APPROVED MAY 31, 1913.)

AN ACT to amend section 14 of an Act entitled, "An Act to locate, construct, and carry on the Southern Illinois penitentiary," approved May 24, 1877, in force July 1, 1877, as amended by an Act approved and in force April 5, 1879, and as amended by an Act approved June 29, 1885, in force July 1, 1885.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 14 of an Act entitled, "An Act to locate, construct and carry on the Southern Illinois Penitentiary," approved May 24, 1877, in force July 1, 1877, as amended by an Act approved and in force April 5, 1879, and as amended by an Act approved June 29, 1885, in force July 1, 1885, be and is hereby amended to read as follows:

§ 14. In order that uniformity may prevail in the penitentiary system of this State, all laws and regulations now in force or that may hereafter be enacted for the government and management of the penitentiary at Joliet, including the salaries and compensation of the officers and employees thereof, shall be and is hereby declared and construed so far as practicable, to apply to the government and management of said Southern Illinois Penitentiary.

§ 2. WHEREAS, There now exists an emergency, this Act shall take effect and be in force from and after its passage and approval.

APPROVED May 31, 1913.

PUBLIC UTILITIES.

MUNICIPAL OWNERSHIP, OPERATION OR LEASE.

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| § 1. Power conferred. | § 8. Bond issues. |
| § 2. Term "public utility" defined. | § 9. Public utility certificates. |
| § 3. Ordinance to acquire or operate public utility—referendum. | § 10. Expenses of acquiring property, etc.—special assessments authorized. |
| § 4. Proposition to operate public utilities—referendum—proceedings heretofore legalized. | § 11. Reclamation of submerged land under public waters—exception. |
| § 5. Ordinance to lease public utility. | § 12. Charges for service. |
| § 6. Reservation of rights in lease or grant. | § 13. Separate accounts—report—examination. |
| § 7. Acquisition by agreement or condemnation. | § 14. Construction of Act. |
| | § 15. Term "city" defined. |

(SENATE BILL NO. 538. APPROVED JUNE 26, 1913.)

AN ACT entitled, "*An Act to authorize cities to acquire, construct, own, and to lease or operate public utilities and to provide the means therefor.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any city in this State shall have the power, subject to the provisions of this Act, to acquire, construct, own and operate any public utility the product or service of which, or a major portion thereof, is or is to be supplied to the city or its inhabitants, and to contract for, purchase, and sell to private persons or corporations the products or service of such utilities; to lease any public utility owned by the city to any corporation organized under the laws of this State for the purpose of operating such public utility, for a period not longer than twenty years; to fix the rates and charges for the services rendered by such public utilities; and to make all needful rules and regulations in relation thereto.

§ 2. The term "public utility," when used in this Act, means and includes any plant, equipment or property, and any franchise, license or permit, used or to be used for or in connection with the transportation of persons or property or the conveyance of telegraph or telephone messages; or for the production, storage, transmission, sale, delivery, or furnishing of cold, heat, light, power, or for the conveyance of oil or gas by pipe line; or for the storage or warehousing of goods; or for the conduct of the business of a wharfinger.

§ 3. No city shall proceed to acquire or construct any public utility under the provisions of this Act until an ordinance of the city council providing therefor has been duly passed and submitted to the electors of such city and approved by a majority of those voting thereon. Such ordinance shall set forth the action proposed, shall describe the plant, equipment and property proposed to be acquired or constructed, and shall provide for the issue of bonds, mortgage certificates or special assessment bonds, as hereinafter authorized.

§ 4. No city shall itself proceed to operate any such public utility for the use or benefit of private consumers or users, for hire or charge for such compensation [consumption] or use, unless the proposition to operate shall first have been submitted to the electors of the city as a separate proposition and approved by a majority of those voting thereon; but any city may, without such submission and approval, sell electricity for heat, light or power within or without the limits of the city, generated from any electric lighting plant owned and operated by the city for the city's own use, and may without such submission and approval sell water within and without the city from any water plant owned and operated by the city: *Provided*, that the act of any city or village which has heretofore constructed, maintained, operated, controlled or leased any public utility and furnished and sold the product or service thereof for private use is hereby declared to be legal and valid, anything in any law of the State to the contrary notwithstanding.

§ 5. No ordinance authorizing the lease of any public utility owned by a city for a longer period than five years, nor any ordinance renewing any such lease shall go into effect until the expiration of sixty days from and after its passage. If, within such sixty days, there is filed with the city clerk of such city a petition signed by qualified electors of the city equal to five per cent of the votes cast at the last preceding municipal election for mayor in such city, asking that such ordinance be submitted to popular vote, then such ordinance shall not go into effect unless the question of the adoption of such ordinance shall first be submitted to the electors of such city and approved by a majority of those voting thereon.

§ 6. It shall be lawful for any city to incorporate in any franchise, license or permit to a public utility company reservation of the right on the part of the city to take over all or any part of the property, plant, or equipment used in the operation of such public utility, at or before the expiration of such grant, upon such terms and conditions as may be provided in the grant, and it shall also be lawful to provide in any such grant that in case such reserved right be not exercised by the city, and it shall grant the right to another person or corporation to operate such utility in the streets and parts of streets occupied by its grantee under the former grant, the new grantee shall purchase and take over the property located in such streets, and parts of streets upon the terms which the city might have taken it over.

§ 7. Any city shall have the power to acquire any public utility or any part thereof, authorizing or operating in such city under a license, permit or franchise or operating in such city without any license, permit or franchise, by an agreement with such public utility or may proceed to procure the condemnation of the same in the manner provided by law for the taking and condemning of private property for public use.

§ 8. For the purpose of acquiring any such public utility or the property necessary or appropriate for the operation thereof or any part thereof, either by purchase, condemnation or construction, any city may borrow money and issue negotiable bonds therefor, pledging the faith

and credit of the city, but no such bonds shall be issued unless the proposition to issue the same shall first have been submitted to the electors of such city and approved by a majority of those voting thereon, nor in an amount in excess of the cost to the city of the property for which said bonds are issued and ten per cent of such cost in addition thereto.

§ 9. For the purpose of acquiring any such public utility or the property necessary or appropriate for the operation thereof, or any part thereof, either by purchase, condemnation or construction, any city may issue and dispose of interest bearing certificates, hereinafter called public utility certificates, which shall, under no circumstances, be or become an obligation or liability of the city or payable out of any general fund thereof, but shall be payable solely out of the revenues or income to be derived from the public utility property for the acquisition of which they were issued. Such certificates shall not be issued and secured on any public utility property in an amount in excess of the cost to the city of such property as hereinbefore provided and ten (10) per cent of such cost in addition thereto. In order to secure the payment of any such public utility certificates and the interest thereon, the city may convey, by way of mortgage or deed of trust, any or all of the public utility property acquired or to be acquired through the issue thereof; which mortgage or deed of trust shall be executed in such manner as may be directed by law for the acknowledgment and recording of mortgages of real estate, and may contain such provisions and conditions not in conflict with the provisions of this Act as may be deemed necessary to secure the payment of the public utility certificates described therein. Any such mortgage or deed of trust may carry the grant of a privilege or right to maintain and operate the public utility property covered thereby, for a period not exceeding twenty (20) years from and after the date such property may come into the possession of any person or corporation as the result of foreclosure proceedings; which privilege or right may fix the rates or charges which the person or corporation securing the same as the result of foreclosure proceedings shall be entitled to charge in the operation of said property for a period not exceeding twenty (20) years. Whenever and as often as default shall be made in the payment of any public utility, certificates issued and secured by a mortgage or deed of trust, as aforesaid, or in the payment of the interest thereon when due, and any such default shall have continued for the space of twelve (12) months after notice thereof has been given to the mayor and comptroller, it shall be lawful for any such mortgagee or trustee, upon the request of the holder or holders of a majority in amount of the certificates issued and outstanding under such mortgage or deed of trust, to declare the whole of the principal of all such certificates as may be outstanding, to be at once due and payable, and to proceed to foreclose such mortgage or deed of trust in any court of competent jurisdiction. At a foreclosure sale, the mortgagee or the holders of such certificates may become the purchaser or purchasers of the property and the rights and privileges sold, if he or they be the highest bidders. Any public utilities acquired under any such fore-

closure shall be subject to regulation by the corporate authorities of the city to the same extent as if the right to construct, maintain and operate such property had been acquired through a direct grant without the intervention of foreclosure proceedings: *Provided, however,* that no public utility certificates shall ever be issued by any city under the provisions of this Act unless and until the question of the adoption of the ordinance of the city council authorizing the issue thereof shall first have been submitted to the electors of such city and approved by a majority of the qualified voters of the city voting upon such question. The question shall be submitted in such form as the city council may by ordinance designate.

§ 10. The expense of acquiring any such public utility, or the property necessary or appropriate for the operation thereof, or any part thereof, either by purchase, condemnation or construction, or such part of the expense as may be just and reasonable, may in any city be assessed upon and collected from the property and real estate specially benefited thereby, if any, in such manner as is or may be provided by law for the making of special assessments for local improvements in such city.

§ 11. For the purpose of acquiring or constructing wharves, piers, docks, levees, or in connection with such wharves, piers, docks or levees, elevators, warehouses, vaults or necessary and appropriate tracks or terminal facilities, any city may reclaim the submerged lands under any public waters within the jurisdiction of or bordering upon the city, and shall thereupon be vested with the absolute title, in fee simple, to the lands so reclaimed; and for any of the purposes aforesaid the city may require, by purchase, condemnation or otherwise, the title of the private or public owners, if any there be, to lands lying beneath such public waters, and also the riparian or other rights, if any there be, of the owners of the shore lands abutting on such public waters in or over such public waters or the submerged lands under such waters. Nothing herein contained, shall give to any city the right to acquire submerged lands as against any park board where any grant has heretofore been made of such submerged lands to any such park board and been acted upon by such board.

§ 12. The charges fixed for the service rendered by it by means of any such public utility by any city shall be high enough to produce a revenue sufficient to bear all cost of maintenance and operation and to meet interest charges on bonds and certificates issued on account thereof, and to permit the accumulation of a surplus or sinking fund that shall be sufficient to meet all outstanding bonds or certificates at maturity.

§ 13. Any city, when owning such public utility, shall keep the accounts for such public utility distinct from other city accounts and in such manner as to show the true and complete financial results of such city ownership or ownerships and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to such city of the public utility owned; all costs of maintenance, extension and improvement; all operating expenses of every description, in case of such city

operation; the amounts set aside for sinking fund purposes; if water or other service shall be furnished for the use of such public utility without charge; the accounts shall show, as nearly as possible, the value of such service, and also the value of such similar service rendered by the public utility to any other city department without charge; such accounts shall also show reasonable allowances for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The city council shall cause to be printed annually for public distribution, a report showing the financial results, in form as aforesaid, of such city ownership or ownership and operation. The accounts of such public utility, kept as aforesaid, shall be examined once each year by an expert accountant who shall report to the city council the results of his examination. Such expert accountant shall be selected in such manner as the city council may direct, and he shall receive for his services such compensation, to be paid out of the income or revenues from such public utility, as the city may prescribe.

§ 14. This Act shall be deemed and construed to confer powers in addition to but not limiting those now existing.

§ 15. Whenever the word "city" is used in this Act it shall be construed to include a city, a village or an incorporated town.

APPROVED June 26, 1913.

STATE PUBLIC UTILITIES COMMISSION.

Article I.—General provisions.

- § 1. Public Utilities Commission—appointment—term.
- § 2. Secretary and counsel.
- § 3. Additional officers and employees.
- § 4. Oath of office—qualifications—bond, etc.
- § 5. Salaries and expenses.
- § 6. Office of the commission—meetings—seal, etc.
- § 7. Fees to be charged by commission.
- § 8. Supervision of utilities—rules and regulations—report of commission.
- § 9. Utilities to comply with requests and obey orders of commission.
- § 10. Definitions.

Article II.—Reports and accounts.

- § 11. Accounts.
- § 12. Other than public utility business.
- § 13. Forms of accounts.
- § 14. Depreciation accounts.
- § 15. Audit and inspection.
- § 16. Accounts to be kept within State.
- § 17. Falsification or destruction of accounts.
- § 18. Penalty for divulging information.

- § 19. Reports by public utilities—penalties for failure to report or false report.

Article III.—Stocks and bonds—capitalization—intercorporate relations—franchises—valuation.

- § 20. Right to issue stocks, bonds, etc.
- § 21. Approval of issues—application of proceeds—indebtedness for a year or less—franchises not to be capitalized.
- § 22. Consolidations and reorganizations—capitalization.
- § 23. Stocks, bonds, etc., unlawfully issued void.
- § 24. Penalty against public utility.
- § 25. Penalty for false statement, etc.
- § 26. No guarantee of stocks, bonds, etc., by State.
- § 27. Intercorporate relations.
- § 28. Foreign corporations—franchises—application of law to.
- § 29. Transfer of franchises.
- § 30. Valuation.
- § 31. Fees for issuance of stocks and bonds.

Article IV.—Rates and service—accidents.

- § 32. General duties of public utilities.

STATE PUBLIC UTILITIES COMMISSION—*Concluded.*

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| <p>§ 33. Filing schedule of rates.</p> <p>§ 34. Publication and posting of schedules.</p> <p>§ 35. No service to be rendered until schedules filed.</p> <p>§ 36. Changes of rates.</p> <p>§ 37. Charging more than published rate.</p> <p>§ 38. Discrimination forbidden.</p> <p>§ 39. Discrimination—rebates, etc.</p> <p>§ 40. Long and short haul, etc.—common carriers, telephones, telegraph, etc.</p> <p>§ 41. Commission to fix rates and regulations.</p> <p>§ 42. Control over joint rates.</p> <p>§ 43. Interstate rates.</p> <p>§ 44. Interchange of traffic or service.</p> <p>§ 45. Side track connections.</p> <p>§ 46. Track connections.</p> <p>§ 47. Telephone and telegraph connections.</p> <p>§ 48. Joint use of facilities.</p> <p>§ 49. Facilities, etc.—power of commission to require.</p> <p>§ 50. Additions and new structures—joint construction.</p> <p>§ 51. Adequacy of railroad service.</p> <p>§ 52. Distribution of cars—expediting traffic—demurrage—storage—switching—delivery of express—weights.</p> <p>§ 53. Conditions in contracts for public utility services and forms of express receipts.</p> <p>§ 54. Standards of service.</p> <p>§ 55. Certificate of convenience and necessity.</p> <p>§ 56. Report and investigation of accidents.</p> <p>§ 57. Safety of plant, appliances, etc.—railroad track, etc.</p> <p>§ 58. Grade crossings.</p> <p>§ 59. Eminent domain.</p> <p>Article V.—Proceedings before the commission and in the courts.</p> <p>§ 60. Investigations and hearings.</p> | <p>§ 61. Testimony, immunity.</p> <p>§ 62. Attendance of witnesses.</p> <p>§ 63. Right to inspect books and property and to examine agents of public utilities.</p> <p>§ 64. Complaints—notice.</p> <p>§ 65. Hearings, orders—record—copies of official documents and orders.</p> <p>§ 66. Service of orders.</p> <p>§ 67. Modification of order or decision—rehearing.</p> <p>§ 68. Action to set aside orders of commission.</p> <p>§ 69. Appeals to Supreme Court.</p> <p>§ 70. Expedition of cases.</p> <p>§ 71. Suspension of order of commission pending judicial review.</p> <p>§ 72. Reparation for overcharge—investigation of claims against public utilities.</p> <p>§ 73. Civil damages.</p> <p>§ 74. Remedies cumulative.</p> <p>§ 75. Mandamus or injunction proceedings at instance of commission.</p> <p>§ 76. Penalty for violation by public utility or corporation other than a public utility of acts or orders—separate offenses.</p> <p>§ 77. Persons violating Act or order—penalty.</p> <p>§ 78. Actions to recover penalties.</p> <p>§ 79. Duty of commission to prosecute, and to enforce laws affecting public utilities.</p> <p>§ 80. Cancellation of warehouse certificates.</p> <p>Article VI.—Repeal—saving clause—construction.</p> <p>§ 81. Acts repealed—transfer and continuation of powers.</p> <p>§ 82. Pending actions and proceedings.</p> <p>§ 83. Constitutionality.</p> <p>§ 84. Act not applicable to interstate commerce.</p> <p>§ 85. Technical omissions not to invalidate acts of commission.</p> <p>§ 86. When Act takes effect.</p> |
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(HOUSE BILL No. 907. APPROVED JUNE 30, 1913.)

AN ACT to provide for the regulation of public utilities.

ARTICLE I.

ORGANIZATION AND POWERS OF THE COMMISSION.

SECTION 1. PUBLIC UTILITIES COMMISSION—APPOINTMENT—TERM.]

Be it enacted by the People of the State of Illinois, represented in the

General Assembly: That there is hereby created a State Public Utilities Commission consisting of five members. Within thirty days after this Act shall take effect, the Governor shall, with the advice and consent of the Senate, appoint five persons to constitute such commission, two to serve until the first day of March, 1915, two until the first day of March, 1916, and one until the first day of March, 1917. On or before the first days of March, 1915, 1916 and 1917, respectively, and thereafter as the term of any member expires, the Governor, by and with the advice and consent of the Senate, shall appoint one or two members of the commission, as the case may be, to serve for the term of six years from and after the expiration of the term of his predecessor. Each commissioner shall hold office until his successor shall have been appointed and qualified. Not more than three members of said commission shall be affiliated with the same political party. The Governor shall from time to time designate the member of the commission who shall be its chairman.

Every vacancy in the commission shall be filled for the unexpired portion of the term by appointment by the Governor, by and with the advice and consent of the Senate: *Provided*, that if any vacancy occurs during the recess of the Senate, the Governor may make a temporary appointment until the next meeting of the Senate.

A majority of the commission shall constitute a quorum to transact business; but no vacancy shall impair the right of the remaining commissioners to exercise all the powers of the commission; and every finding, order or decision made by a commissioner, when approved and confirmed by the commission shall be and be deemed to be the finding, order or decision of the commission.

§ 2. SECRETARY AND COUNSEL.] The commission shall have a secretary, to be appointed by the commission, to hold office during its pleasure, who shall keep a record of all the proceedings, transactions, communications and official acts of the commission and perform such other duties as the commission may prescribe.

The commission shall appoint as counsel to the commission an attorney-at-law of the State of Illinois, who shall hold office at the pleasure of the commission. The counsel to the commission shall have power subject to the approval of the commission to appoint and at pleasure remove attorneys-at-law to assist him in the performance of his duties.

§ 3. ADDITIONAL OFFICERS AND EMPLOYEES.] The commission shall have power upon consultation with and the approval of the Governor, to appoint or employ such additional officers and such accountants, engineers, experts, inspectors, clerks, and employees as it may deem to be necessary to carry out the provisions of this Act or to perform the duties and exercise the powers conferred by law upon the commission. Such appointments, other than those of attorneys, chief engineer, chief accountant, one private secretary or stenographer to each commissioner, experts temporarily employed and other positions which may be exempted by the Civil Service Commission, shall be included in the classi-

fied civil service of the State, and shall be made subject to the provisions of an Act entitled, "An Act to regulate the civil service of the State of Illinois," approved May 11, 1905, in force July 1, 1905, and Acts amendatory thereto.

§ 4. OATH OF OFFICE—QUALIFICATIONS, BOND, ETC.] Each commissioner and each person appointed to office by the commission, shall before entering upon the duties of his office, take and subscribe the constitutional oath of office.

Each commissioner shall devote his entire time to the duties of his office, and shall hold no other office or position of profit, or engage in any other business, employment or vocation.

No person in the employ of or holding any official relation to any corporation or person subject in whole or in part to regulation by the commission, and no person holding stocks or bonds in any such corporation, or who is in any other manner pecuniarily interested therein, directly or indirectly, shall be appointed to or hold the office of commissioner or be appointed or employed by the commission; and if any such person shall voluntarily become so interested his office or employment shall *ipso facto* become vacant: *Provided*, that if any person become so interested otherwise than voluntarily he shall within a reasonable time divest himself of such interest, and if he fails to do so his office or employment shall become vacant.

No commissioner nor person appointed or employed by the commission shall solicit or accept any gift, gratuity, emolument or employment from any person or corporation subject to the supervision of the commission, or from any officer, agent, or employee thereof; nor solicit, request from or recommend, directly or indirectly, to any such person or corporation, or to any officer, agent or employee thereof the appointment of any person to any place or position. And every such corporation and person, and every officer, agent or employee thereof, is hereby forbidden to offer to any commissioner or to any person appointed or employed by the commission any gift, gratuity, emolument or employment. If any commissioner or any person appointed or employed by the commission shall violate any provision of this paragraph he shall be removed from the office or employment held by him. Every person violating the provisions of this paragraph shall be guilty of a misdemeanor.

Before entering upon the duties of his office each commissioner shall give bond, with security to be approved by the Governor, in the sum of \$20,000, conditioned for the faithful performance of his duty as such commissioner. Every person appointed or employed by the commission, may, in the discretion of the commission, before entering upon the duties of his office, be required to give bond for the faithful discharge of his duties, in such sum as the commission may designate, which bond shall be approved by the commission.

§ 5. SALARIES AND EXPENSES.] The annual salary of each commissioner shall be ten thousand dollars. The annual salary of the secretary to the commission shall be five thousand dollars. The annual salary of the counsel to the commission shall be six thousand dollars. All officers,

accountants, engineers, clerks, inspectors, experts and employees of the commission shall receive the compensation fixed by the commission subject to the approval of the Governor. The commissioners and their officers, accountants, engineers, clerks, inspectors, experts and other employees, shall have reimbursed to them all actual and necessary traveling and other expenses and disbursements necessarily incurred or made by them in the discharge of their official duties. The commission may also incur necessary expenses for office furniture, stationery, printing and other incidental expenses. Said salaries and expenses shall be paid out of moneys appropriated for the commission, only upon the order of the chairman of the commission, approved by the Governor.

§ 6. OFFICE OF THE COMMISSION—MEETINGS—SEAL, ETC.] The office of the commission shall be in the State Capitol. Such office shall be open for business between the hours of eight in the morning and five in the evening throughout the year and one or more responsible persons to be designated by the commission or by the secretary under the direction of the commission shall be on duty at all times in immediate charge thereof.

The commission shall hold stated meetings at least once a month at its office and may hold such special meetings as it may deem necessary at any place within the State.

The commission may, for the authentication of its records, process and proceedings, adopt, keep and use a common seal, of which seal judicial notice shall be taken in all courts of this State; and any process, writ, notice or other paper which the said commission may be authorized by law to issue shall be deemed sufficient if signed by the secretary of said commission and authenticated by such seal; and all acts, orders, proceedings, rules, entries, minutes, schedules and records of said commission, and all reports and documents filed with said commission, may be proved in any court of this State by a copy thereof, certified to by the secretary of said commission, with the seal of said commission attached.

§ 7. FEES TO BE CHARGED BY COMMISSION.] The commission shall charge and collect the following fees: For copies of papers and records not required to be certified or otherwise authenticated by the commission, ten cents for each folio; for certified copies of evidence and proceedings before the commission or of official documents and orders filed in its office fifteen cents for each folio, and one dollar for every certificate under seal affixed thereto; for certifying a copy of any report made by a public utility to the commission, or for each certified copy of the annual report of the commission, one dollar. No fees shall be charged or collected for copies of papers, records or official documents furnished to any city or public officers for use in their official capacity, or for the annual reports of the commission in the ordinary course of distribution, but the commission may fix reasonable charges for publications issued under its authority. All fees charged and collected by the commission shall belong to the people of the State, and shall be paid monthly, accompanied by a detailed statement thereof, into the treasury of the State to the credit of the general fund.

§ 8. SUPERVISION OF UTILITIES—RULES AND REGULATIONS—REPORT OF COMMISSION.] The commission shall have general supervision of all public utilities, shall inquire into the management of the business thereof and shall keep itself informed as to the manner and method in which the business is conducted. It shall examine such public utilities and keep informed as to their general condition, their franchises, capitalization, rates and other charges, and the manner in which their plants, equipments and other property owned, leased, controlled or operated are managed, conducted and operated, not only with respect to the adequacy, security and accommodation afforded by their service but also with respect to their compliance with the provisions of this Act and any other law, with the orders of the commission and with the charter and franchise requirements.

In case any public utility is engaged in carrying on any business other than that of a public utility, which other business is not otherwise subject to the jurisdiction of the commission, such public utility in respect of such other business shall be subject to inquiry, examination and inspection by the commission in the same manner as the public utility business in so far as such inquiry, examination and inspection may be necessary to enforce any provision of this Act. The determination of the commission that a necessity for any regulation of non-public business of a public utility exists shall be *prima facie* evidence of the fact in any action in a court of this State to enforce or set aside an order or ruling of the commission.

The commission may confer in person, or by correspondence, by attending conventions, or in any other way, with the members of railroad or other public utility commissions of other states and with the Interstate Commerce Commission on any matters relating to public utilities.

The commission shall have power to adopt reasonable and proper rules and regulations relative to the exercise of its powers, and proper rules to govern its proceedings, and to regulate the mode and manner of all investigations and hearings, and to alter and amend the same.

All proceedings of the commission and all documents and records in its possession shall be public records, except as in this Act otherwise provided. The commission shall make an annual report to the Governor on or before the first day of December in each year, after the year 1913, which shall contain copies of all orders issued by it, and any information in the possession of the commission which it shall deem of value to the people of the State.

The commission shall conduct a hearing and take testimony relative to any pending legislation with respect to any person, corporation or matter within its jurisdiction, if requested to do so by the General Assembly or by either branch thereof, or by a standing committee of either branch thereof, and shall report its conclusions to the General Assembly. The commission may also recommend the enactment of such legislation with respect to any matter within its jurisdiction as it deems wise or necessary in the public interest. The commission shall, at such times as the Governor shall direct, examine any particular sub-

ject connected with the condition and management of public utilities, and report to him in writing its opinion thereon with its reasons therefor.

§ 9. UTILITIES TO COMPLY WITH REQUESTS AND TO OBEY ORDERS OF COMMISSION.] Every public utility shall furnish to the commission all information required by it to carry into effect the provisions of this Act, and shall make specific answers to all questions submitted by the commission.

Any public utility receiving from the commission any blanks with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case it is unable to answer any question, it shall give a good and sufficient reason for such failure; and said answer shall be verified under oath by the president, secretary, superintendent or general manager of such public utility and returned to the commission at its office within the period fixed by the commission.

Whenever required by the commission, every public utility shall deliver to the commission, any or all maps, profiles, reports, documents, books, accounts, papers and records in its possession, or in any way relating to its property or affecting its business, and inventories of its property, in such form as the commission may direct, or verified copies of any or all of the same.

Every public utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the commission in the matters herein specified, or any other matter in any way relating to or affecting its business as a public utility, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.

§ 10. DEFINITIONS.] Unless otherwise specified, the word "commission," when used in this Act, means the State Public Utilities Commission of Illinois, which is created and established under the provisions of this Act.

The term "commissioner," when used in this Act means one of the members of the commission.

The term "public utility," when used in this Act, means and includes every corporation, company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever (except, however, such public utilities as are or may hereafter be owned or operated by any municipality) that now or hereafter:

(a) May own, control, operate or manage, within the State, directly or indirectly for public use, any plant, equipment or property used or to be used for or in connection with the transportation of persons or property or the transmission of telegraph or telephone messages between points within this State; or for the production, storage, transmis-

sion, sale, delivery or furnishing of heat, cold, light, power, electricity or water; or for the conveyance of oil or gas by pipe line; or for the storage or warehousing of goods; or for the conduct of the business of a wharfinger; or that

(b) May own or control any franchise, license, permit or right to engage in any such business.

The term "common carrier," when used in this Act, includes all railroads, street railroads, express companies, private car lines, sleeping car companies, fast freight lines, steamboat lines and other common carriers by water, and every corporation, company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating or managing any such agency for public use in the transportation of persons or property within this State.

The term "railroad," when used in this Act, includes every railroad other than a street railroad, by whatsoever power operated for public use in the transportation of persons or property for compensation, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, poles, wires, stations, real estate and terminal facilities of every kind, used, operated, controlled or owned by or in connection with any railroad.

The term "street railroad," when used in this Act, includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the transportation of persons or property for compensation, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place in any city, village or incorporated town, and including all equipment, switches, spurs, tracks, poles, wires, right of trackage, subways, tunnels, stations, terminals and terminal facilities of every kind, together with all real estate used, operated, controlled or owned by or in connection with any such street railroad; but the said term "street railroad," when used in this Act, shall not include a railroad constituting or used as part of a trunk line railroad system.

The term "transportation of persons," when used in this Act, includes any service in connection with the receipt, carriage and delivery of the person transported and his baggage, and all facilities, used or necessary to be used in connection with the safety, comfort and convenience of the person transported.

The term "transportation of property," when used in this Act, includes any service in connection with the receipt, carriage, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported.

The term "express company," when used in this Act, includes every corporation, company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever, engaged in the transportation of freight, merchandise or other property for compensation on the route or line of any other common carrier.

The term "company," when used in this Act in connection with a public utility, includes any corporation, company, association, joint

stock company or association, firm, partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever, owning, holding, operating, controlling or managing such a public utility, but not municipal corporations.

The term "corporation," when used in this Act, includes any corporation, company, association, joint stock company or association, but not municipal corporations.

The term "person," when used in this Act, includes an individual, firm or co-partnership.

The term "warehouse," when used in this Act, includes all elevators or storehouses where grain is stored for a compensation, whether the property stored be kept separate or not.

The term "wharfinger," when used in this Act, includes every corporation, not municipal, or person, their lessee, trustees, or receivers appointed by any court whatsoever, owning, controlling, operating or managing any dock, wharf, or structure used by vessels or other water craft in connection with or to facilitate the receipt or discharge of freight or passengers within this State.

The term "service," when used in this Act, is used in its broadest and most inclusive sense, and includes not only the use or accommodation afforded consumers or patrons, but also any product or commodity furnished by any public utility and the plant, equipment, apparatus, appliances, property and facilities employed by, or in connection with, any public utility in performing any service or in furnishing any product or commodity and devoted to the purposes in which such public utility is engaged and to the use and accommodation of the public.

The term "rate," when used in this Act, includes every individual or joint rate, fare, toll, charge, rental or other compensation of any public utility or any two or more such individual or joint rates, fares, tolls, charges, rentals or other compensations of any public utility or any schedule or tariff thereof, and any rule, regulation, charge, practice or contract relating thereto.

The term "city council," when used in this Act, includes the mayor and commissioners of cities which have adopted the commission form of municipal government and the council of all other cities and villages.

The term "city," when used in this Act includes all villages.

ARTICLE II.

REPORTS AND ACCOUNTS.

§ 11. ACCOUNTS.] The commission shall have power to establish a uniform system of accounts to be kept by public utilities or to classify public utilities and to establish a uniform system of accounts for each class, and to prescribe the manner in which such accounts shall be kept. It may also, in its discretion, prescribe the forms of accounts to be kept by public utilities, including records of service, as well as accounts of earnings and expenses, and any other forms, records and memoranda which in the judgment of the commission may be necessary to carry out any of the provisions of this Act. The system of accounts established

by the commission and the forms of accounts prescribed by it shall not be inconsistent, in the case of corporations subject to the provisions of the Act of Congress entitled, "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the Acts amendatory thereof and supplementary thereto, with the systems and forms from time to time established for such corporations by the Interstate Commerce Commission, but nothing herein contained shall affect the power of the commission to prescribe forms of accounts, for such corporations, with the approval of the Interstate Commerce Commission, covering information in addition to that required by the Interstate Commerce Commission. Where the commission has prescribed the forms of accounts to be kept by any public utility for any of its business, it shall thereafter be unlawful for such public utility to keep any accounts for such business other than those prescribed or approved by the commission, or those prescribed by or under the authority of any other state or of the United States.

The commission may, from time to time, alter, amend or repeal, in whole or in part, any uniform system of accounts, or the forms and manner of keeping accounts.

§ 12. OTHER THAN PUBLIC UTILITY BUSINESS.] The commission may require every public utility engaged directly or indirectly in any other than a public utility business, as defined by law, to keep separately in like manner and form the accounts of all such other business, and the commission may provide for the examination and inspection of the books, accounts, papers and records of such other business, in so far as may be necessary to enforce any provision of this Act. The commission shall have power to inquire as to and prescribe the apportionment of capitalization, earnings, debts and expenses fairly and justly to be awarded to or borne by the ownership, operation, management or control of such public utility as distinguished from such other business.

§ 13. FORMS OF ACCOUNTS.] Such systems of accounts shall provide for forms showing all sources of income, the amounts due and received from each source and the amounts expended and due for each purpose, distinguishing clearly all payments for operating expenses from those for new construction, extensions and additions; and for balance sheets showing assets and liabilities and various forms of proprietary interest.

§ 14. DEPRECIATION ACCOUNTS.] The commission shall have power, after hearing, to require any or all public utilities to keep such accounts as will adequately reflect depreciation, obsolescence and the progress of the arts. The commission may, from time to time, ascertain and determine and by order fix the proper and adequate rate of depreciation of the several classes of property for each public utility; and each public utility shall conform its depreciation accounts to the rates so ascertained, determined and fixed.

§ 15. AUDIT AND INSPECTION.] The commission may provide for the examination and audit of all accounts, and all items shall be allocated to the accounts in the manner prescribed by the commission. The

officers and employees of the commission shall have authority under the direction of the commission to inspect and examine any and all books, accounts, papers, records and memoranda kept by such public utilities.

§ 16. ACCOUNTS TO BE KEPT IN STATE.] Each public utility shall have an office in one of the cities, villages or incorporated towns in this State in which its property or some part thereof is located, and shall keep in said office all such books, accounts, papers, records and memoranda as shall be ordered by the commission to be kept within the State. The address of such office shall be filed with the commission. No books, accounts, papers, records, or memoranda ordered by the commission to be kept within the State shall be at any time removed from the State, except upon such conditions as may be prescribed by the commission.

§ 17. FALSIFICATION OR DESTRUCTION OF ACCOUNTS.] Any person who shall wilfully make any false entry in the accounts, or in any record or memorandum kept by a public utility, or who shall wilfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record or memorandum, or who shall wilfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the public utility, or shall keep any accounts or record other than those prescribed or approved by the commission, shall be guilty of a misdemeanor, and upon conviction, be subject to imprisonment in the county jail not exceeding one year, or to a fine not exceeding one thousand dollars, or to both.

§ 18. PENALTY FOR DIVULGING INFORMATION.] Any officer or employee of the commission who divulges any fact or information coming to his knowledge during the course of an inspection, examination or investigation of any account, record, memorandum, book or paper of a public utility, except in so far as he may be authorized by the commission or by a court of competent jurisdiction, or a judge thereof, shall be guilty of a misdemeanor, and upon conviction, be subject to imprisonment in the county jail not exceeding one year, or to a fine not exceeding one thousand dollars, or to both.

§ 19. REPORTS BY PUBLIC UTILITIES—PENALTIES FOR FAILURE TO REPORT OR FALSE REPORT.] Each public utility in the State shall each year after the year 1913 furnish to the commission, in such form as the commission shall require, annual reports as to all the items mentioned in the preceding sections of this article, and in addition such other items, whether of a nature similar to those therein enumerated or otherwise, as the commission may prescribe. Such annual reports shall contain all the required information for the period of twelve months ending on the thirtieth day of June in each year, or ending on the thirty-first day of December in each year, as the commission may by order prescribe for each class of public utilities, and shall be filed with the commission at its office in Springfield within three months after the close of the year for which the report is made. The commission shall have authority to require any public utility to file monthly reports of earnings and expenses of such utility, and to file other periodical or

special, or both periodical and special reports concerning any matter about which the commission is authorized by law to keep itself informed. All reports shall be under oath.

When any report is erroneous or defective or appears to the commission to be erroneous or defective, the commission may notify the public utility to amend such report within thirty days, and before or after the termination of such period the commission may examine the officers, agents or employees, and books, records, accounts, vouchers, plant, equipment and property of such public utility, and correct such items in the report as upon such examination the commission may find defective or erroneous.

All reports made to the commission by any public utility and the contents thereof shall be open to public inspection, unless otherwise ordered by the commission. Such reports shall be preserved in the office or [of] the commission.

Any public utility which fails to make and file any report called for by the commission within the time specified; or to make specific answer to any question propounded by the commission within thirty days from the time it is lawfully required to do so, or within such further time, not to exceed ninety days, as may in its discretion be allowed by the commission, shall forfeit \$100 for each and every day it may so be in default.

Any person who wilfully makes any false return or report to the commission, or to any member, officer or employee thereof, and any person who aids or abets such person, shall, upon conviction, be subject to imprisonment in the county jail not exceeding one year, or to a fine not exceeding one thousand dollars, or both.

ARTICLE III.

STOCKS AND BONDS—CAPITALIZATION—INTERCORPORATE RELATIONS—FRANCHISES—VALUATION.

§ 20. RIGHT TO ISSUE STOCKS, BONDS, ETC.] The power of public utilities to issue stocks, stock certificates, bonds, notes and other evidences of indebtedness and to create liens on their property is a special privilege, the right of supervision, regulation, restriction and control of which is and shall continue to be vested in the State, and such power shall be exercised by the commission hereby created according to the provisions of this Act and under such rules and regulations as the commission may prescribe.

The commission shall provide, by serial number or other device to be placed on the face thereof, for the proper and easy identification of such stocks, stock certificates, bonds, notes and other evidences of indebtedness as may be issued by public utilities under the provisions of this article.

§ 21. APPROVAL OF ISSUES—APPLICATION OF PROCEEDS—INDEBTEDNESS FOR A YEAR OR LESS—FRANCHISES NOT TO BE CAPITALIZED.] Subject to the provisions of this Act and of the order of the commission issued as provided in this Act, a public utility may issue stocks and stock

certificates, and bonds, notes and other evidences of indebtedness payable at periods of more than twelve months after the date thereof, for the following purposes and no others, namely: For the acquisition of property, or for the construction, extension or improvement of or addition to its facilities, or for the discharge or lawful refunding of its obligations; or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility not directly or indirectly secured by or obtained from the issue of stocks or stock certificates, or bonds, notes or other evidences of indebtedness of such public utility, within five years next prior to the filing of an application with the commission for the required authorization, for any of the aforesaid purposes except maintenance of service, replacements and substitutions in cases where the applicant shall have kept its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of moneys so expended and the purposes for which such expenditures were made, and the sources of the funds in the treasury of the public utility applied to such expenditures: *Provided*, that such public utility, in addition to the other requirements of law, shall first have secured from the commission an order authorizing such issue and stating the amount thereof and the purpose or purposes to which the issue or the proceeds thereof are to be applied, and that, in the opinion of the commission, the money, property or labor to be procured or paid for by such issue is reasonably required for the purpose or purposes specified in the order, and that, except as otherwise permitted in the order in the case of notes or other evidences of indebtedness, such purpose or purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. To enable it to determine whether it will issue such order, the commission shall hold a hearing and may make such additional inquiry or investigation, and examine such witnesses, books, papers, accounts, documents and contracts and require the filing of such data as it may deem of assistance. The public utility may be required by the commission to disclose every interest of the directors of such public utility in any transaction under investigation. The commission shall have power to investigate all such transactions and to inquire into the good faith thereof, to examine books, papers, accounts, documents and contracts of public utilities, construction or other companies or of firms or individuals with whom the public utility shall have had financial transactions, for the purpose of enabling it to verify any statements furnished, and to examine into the actual value of property acquired by, or services rendered to such public utility. Before issuing its order the commission, when it is deemed necessary by the commission, shall make an adequate physical valuation of all property of the public utility, but a valuation already made under proper public supervision may be adopted, either in whole or in part, at the discretion of the commission; and shall also examine all previously authorized or outstanding securities of the public utility, and fixed charges attached thereto. A statement of the results of such physical valuation, and a statement of the character of all outstanding securities, together

with the conditions under which they are held, shall be included in the order. The commission may require that such information or such part thereof as it thinks proper, shall appear upon the stock, stock certificate, bond, note or other evidence of indebtedness authorized by its order. The commission may by its order grant permission for the issue of such stocks or stock certificates, or bonds, notes or other evidences of indebtedness in the amount applied for, or in a lesser amount, or not at all, and may attach to the exercise of its permission such condition or conditions as it may deem reasonable and necessary. The commission may also require the public utility to compile for the information of its shareholders such facts in regard to its financial transactions, in such form as the commission may direct.

No public utility shall, without the consent of the commission, apply the issue of any stock or stock certificate, or bond, note or other evidence of indebtedness, or any part thereof, or any proceeds thereof, to any purpose not specified in the commission's order or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or issue, or dispose of the same on any terms less favorable than those specified in such order, or a modification thereof. The commission shall have the power to require public utilities to account for the disposition of the proceeds of all sales of stocks and stock certificates, and bonds, notes and other evidences of indebtedness, in such form and detail as it may deem advisable, and to establish such rules and regulations as it may deem reasonable and necessary to insure the disposition of such proceeds for the purpose or purposes specified in its order.

A public utility may issue notes, for proper purposes and not in violation of any provision of this Act or any other Act, payable at periods of not more than twelve months after the date of issuance of the same, without the consent of the commission; but no such note shall, in whole or in part, be renewed from time to time without the consent of the commission for an aggregate period of longer than two years, or be refunded by any issue of stocks or stock certificates, or of bonds, notes of any term or character or any other evidence of indebtedness, without the consent of the commission.

The commission shall have no power to authorize the capitalization of the right to be a corporation, or to authorize the capitalization of any franchise, license, or permit whatsoever or the right to own, operate or enjoy any such franchise, license, or permit, in excess of the amount (exclusive of any tax or annual charge) actually paid to the State or to a political subdivision thereof as the consideration for the grant of such franchise, license, permit or right; nor shall any contract for consolidation or lease be capitalized, nor shall any public utility hereafter issue any bonds, notes or other evidences of indebtedness against or as a lien upon any contract for consolidation or merger.

§ 22. CONSOLIDATION AND REORGANIZATION—CAPITALIZATION.] The capitalization of a public utilities formed by a merger or consolidation of two or more corporations shall be subject to the approval of the com-

mission, but in no event shall the commission approve a capitalization exceeding the sum of the capital stock of the corporations so consolidated, at the par value thereof, and any additional sum actually paid in cash for improvements; nor shall any contract for consolidation or lease be capitalized in the stock of any corporation whatever; nor shall any corporation hereafter issue any bonds against or as a lien upon any contract for consolidation or merger. In any reorganization of a public utility, resulting from forced sale, or in any other manner, the amount of capitalization, including therein all stocks and stock certificates and bonds, notes, and other evidences of indebtedness, shall be such as is authorized by the commission, which in making its determination, shall not exceed the fair value of the property involved. Issuance of stocks and stock certificates, and bonds, notes or other evidences of indebtedness in connection with any consolidation, merger, or reorganization shall be subject to all the terms of sections 20 and 21 of this Act.

§ 23. STOCKS, BONDS, ETC., UNLAWFULLY ISSUED VOID.] All stock and every stock certificate, and every bond, note or other evidence of indebtedness, of a public utility, not payable within twelve months issued without an order of the commission authorizing the same then in effect shall be void, unless issued upon the authority of any articles of incorporation or amendments thereto, and of a vote of the stockholders or directors, filed and taken before this Act becomes a law, and likewise all stock and every stock certificate, and every bond, note or other evidence of indebtedness of a public utility not payable within twelve months, issued with the authorization of the commission, but not conforming in its provisions to the provisions, if any, which it is required by the order of authorization of the commission to contain, shall be void; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the commission shall render void any stock or stock certificate, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same with notice of the failure to comply with the order of the commission.

§ 24. PENALTY AGAINST PUBLIC UTILITY.] Every public utility which, directly or indirectly, issues or causes to be issued, any stock, stock certificate, bond, note or other evidence of indebtedness, in non-conformity with the order of the commission authorizing the same, or contrary to the provisions of this Act, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes specified in the commission's order, as herein provided, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, shall, upon conviction, be subject to a penalty of not less than five hundred dollars (\$500) nor more than twenty thousand dollars (\$20,000) for each offense.

§ 25. PENALTY FOR FALSE STATEMENT, ETC.] Every officer, agent or employee of a public utility, and every other person who knowingly authorizes, directs, issues or executes, causes to be issued or executed, or aids in the issue or execution of any stock, stock certificate, bond, note or other evidence of indebtedness, in non-conformity with the order of

the commission authorizing the same, or contrary to the provisions of this Act; or who, in any proceeding before the commission, knowingly makes any false statement or representation, or with the knowledge of its falsity files or causes to be filed with the commission any false statement or representation, which said statement or representation so made, filed or caused to be filed may tend in any way to influence the commission to make an order authorizing the issue of any stock or stock certificate, or any bond, note or other evidence of indebtedness, or which results in procuring from the commission the making of any such order, or who, with knowledge that any false statement or representation was made to the commission, in any proceeding, tending in any way to influence the commission to make such order, issues or executes or negotiates, or caused to be issued, executed or negotiated any such stock or stock certificate, or bond, note or other evidence of indebtedness, or who, directly or indirectly, knowingly applies, or causes or assists to be applied the proceeds or any part thereof, from the sale of any stock or stock certificate, or bond, note or other evidence of indebtedness, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or who, with knowledge that any stock or stock certificate, or bond, note or other evidence of indebtedness, has been issued or executed in violation of any of the provisions of this Act, negotiates, or causes the same to be negotiated, shall, on conviction thereof, be imprisoned in the State penitentiary for a term of not less than two years and not more than ten years.

§ 26. NO GUARANTEE OF STOCKS, BONDS, ETC., BY STATE.] No provision of this Act, and no deed or act done or performed under or in connection therewith, shall be held or construed to obligate the State of Illinois to pay or guarantee, in any manner whatsoever, any stock or stock certificate, or bond, note or other evidence of indebtedness, authorized, issued or executed under the provisions of this Act; nor shall it be held or construed to imply any validation or approval by the State of past issues, nor that past or future or past and future issues represent actual value of property owned or to be owned by a public utility or the value of such property for rate-making purposes.

§ 27. INCORPORATE [INTERCORPORATE] RELATIONS.] Unless the consent and approval of the commission is first obtained:

(a) No two or more public utilities may enter into contracts with each other that will enable such public utilities to operate their lines or plants in connection with each other;

(b) No public utility may purchase, lease, or in any other manner acquire, control, direct or indirect, over the franchises, licenses, permits, plants, equipment, business, or other property of any other public utility;

(c) No public utility may assign, transfer, lease, mortgage, sell, or otherwise dispose of or encumber the whole or any part of its franchises, licenses, permits, plant, equipment, business, or other property; but this shall not be construed to prevent the sale, lease, assignment or transfer by any public utility of any tangible personal property which is not necessary or useful in the performance of its duties to the public;

(d) No public utility may by any means, direct or indirect, merge or consolidate its franchises, licenses, permits, plants, equipment, business, or other property with that of any other public utility;

(e) No public utility may purchase, acquire, take or receive any stock, stock certificates, bonds, notes or other evidences of indebtedness of any other public utility. But with the consent and approval of the commission, a public utility may purchase, acquire, take, or hold stock, stock certificates, bonds, notes or other evidences of indebtedness of another public utility.

The proceedings for obtaining the authorization of the commission provided for in this section shall be as follows: There shall be filed with the commission a petition, joint or otherwise, as the case may be, signed and verified by the president and secretary of the respective companies, or by the person or company, as the case may be, clearly setting forth the object and purposes desired, and setting forth the full and complete terms of the proposed assignment, transfer, lease, mortgage, purchase, sale, merger, consolidation, contract or other transaction, as the case may be. Upon the filing of such petition, the commission shall, if it deems necessary, fix a time and place for the hearing thereon. After such hearing, or in case no hearing is required, if the commission is satisfied that such petition should reasonably be granted, and that the public will be inconvenienced thereby, the commission shall make such order in the premises as it may deem proper and as the circumstances may require, attaching such conditions as it may deem proper, and thereupon it shall be lawful to do the things provided for in such order. The commission shall impose such conditions as will protect the interests of minority and preferred stockholders.

Every assignment, transfer, lease, mortgage, sale, or other disposition or encumbrance of the whole or any part of the franchises, licenses, permits, plant, equipment, business or other property of any public utility, or any merger or consolidation thereof, and every contract, purchase or stock, or other transaction referred to in this section, made otherwise than in accordance with an order of the commission authorizing the same, except as provided in this section, shall be void.

§ 28. FOREIGN CORPORATIONS—FRANCHISES—APPLICATION OF LAW TO.] No franchise, license, permit or right to own, operate, manage or control any public utility, except common carriers engaged in interstate commerce, shall be hereafter granted or transferred to any grantee or transferee other than a corporation duly incorporated under the laws of this State.

No public utility shall be in any manner exempt from the provisions of this Act because or by virtue of the fact that it may be or may have been incorporated or organized under the laws of another state, or of the United States, or of a foreign country.

§ 29. TRANSFER OF FRANCHISES.] No franchise, license, permit or right to own, operate, manage or control any public utility shall be assigned, transferred or leased nor shall any contract or agreement with reference to or affecting any such franchise, license, permit or right be

valid or of any force or effect whatsoever unless such assignment, lease, contract or agreement shall have been approved by the commission. Such permission shall not be construed to revive or validate any lapsed or invalid franchise, license, permit or right, or to enlarge or add to the powers and privileges contained in the grant of any franchise, license, permit or right, or to waive any forfeiture.

§ 30. VALUATION.] The commission shall have power to ascertain the value of the property of every public utility in this State and every fact which in its judgment may or does have any bearing on such value. In making such valuation the commission may avail itself of any information, books, documents, or records in the possession of any officer, department or board of the State or any subdivision thereof. The commission shall have power to make revaluation from time to time and also to ascertain the value of all new construction, extensions and additions to the property of every public utility.

§ 31. FEES FOR ISSUANCE OF STOCKS AND BONDS.] The commission shall charge every public utility receiving permission under this Act for the issue of stocks, stock certificates, bonds, notes and other evidences of indebtedness an amount equal to ten (10) cents for every hundred dollars of such securities authorized by the commission, and the same shall be paid into the State treasury before any such securities shall be issued.

ARTICLE IV.

RATES AND SERVICE—ACCIDENTS.

§ 32. GENERAL DUTIES OF PUBLIC UTILITIES.] All rates or other charges made, demanded or received by any public utility, or by any two or more public utilities, for any product or commodity furnished or to be furnished or for any service rendered or to be rendered shall be just and reasonable. Every unjust or unreasonable charge made, demanded or received for such product or commodity or service is hereby prohibited and declared unlawful.

Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees, and the public, and as shall be in all respects adequate, efficient, just and reasonable.

All rules and regulations made by a public utility affecting or pertaining to its charges or service to the public shall be just and reasonable.

§ 33. FILING SCHEDULE OF RATES.] Every public utility shall file with the commission and shall print and keep open to public inspection schedules showing all rates and other charges, and classifications, which are in force at the time for any product or commodity furnished or to be furnished by it, or for any service performed by it, or for any service in connection therewith, or performed by any public utility controlled or operated by it. Every public utility shall file with and as a part of such schedule and shall state separately all rules, regulations, terminal,

icing, storage or other charges, privileges and contracts that in any manner affect the rates charged or to be charged for any service. Such schedule shall be filed for all services performed wholly or partly within this State, and the rates and other charges and classifications shall not, without the consent of the commission, exceed those in effect on July 1, 1913. But nothing in this section shall prevent the commission from approving or fixing rates or other charges or classifications from time to time, in excess of or less than those shown by said schedules.

Where a schedule of joint rates or other charges, or classifications is or may be in force between two or more public utilities such schedules shall in like manner be printed and filed with the commission, and so much thereof as the commission shall deem necessary for the use of the public shall be filed in every station or office of such public utility in accordance with the terms of section 34 of this Act. Unless otherwise ordered by the commission a schedule showing such joint rates or other charges, or classification need not be filed with the commission by more than one of the parties to it: *Provided*, that there is also filed with the commission a concurrence in such schedule by each of the other parties thereto.

Every public utility shall file with the commission copies of all contracts, agreements or arrangements with other public utilities, in relation to any service, product or commodity affected by the provisions of this Act, to which it may be a party, and copies of all other contracts, agreements or arrangements with any other person or corporation affecting in the judgment of the commission the cost to such public utility of any service, product or commodity.

§ 34. PUBLICATION AND POSTING OF SCHEDULES.] Subject to such rules and regulations as the commission may prescribe, the schedules referred to in section 33 shall be plainly printed, mimeographed or typewritten in large type, and a copy thereof shall be posted or kept on file in every station or office of a public utility where the public transacts business with such public utility. Any or all of such schedules kept as aforesaid shall be immediately produced by such public utility for inspection upon the demand of any person. A notice printed in bold type, in size prescribed by the commission, stating that such schedules are on file with the agent and open to inspection by any person, and that the agent will assist any person to determine from such schedules any rates or other charges, classification, rules or regulations in force, shall be kept posted by the public utility in two public and conspicuous places in every such station or office. The form of every such schedule shall be prescribed by the commission and shall conform in the case of common carriers subject to the Act of Congress entitled, "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the Acts amendatory thereof and supplementary thereto, as nearly as may be, to the form of schedules and manner of posting prescribed by the Interstate Commerce Commission under said Act: *Provided*, that in lieu of filing its entire schedule in each station or office, any public utility may, subject to the regula-

tions of the commission, file or keep posted at such station or office, schedules of such rates or other charges, classifications, rules and regulations relating thereto, as are applicable at, to and from the place where such office is located.

The commission may determine and prescribe the form in which the schedules required by this Act to be filed with the commission and to be kept open to public inspection shall be prepared and arranged; and may change the form from time to time if it shall be found expedient: *Provided, however*, that the commission shall endeavor to have such form or forms prescribed by it conform so far as practicable to any similar form or forms prescribed by the Interstate Commerce Commission.

§ 35. NO SERVICE TO BE RENDERED UNTIL SCHEDULES FILED.] No public utility shall undertake to perform any service or to furnish any product or commodity unless or until the rates and other charges and classifications, rules and regulations relating thereto, applicable to such service, product or commodity, have been filed and published in accordance with the provisions of this Act: *Provided*, that in cases of emergency, a service, product or commodity not specifically covered by the schedules filed, may be performed or furnished at a reasonable rate, which rate shall forthwith be filed and shall be subject to review in accordance with the provisions of this Act.

§ 36. CHANGES OF RATES.] Unless the commission otherwise orders, no change shall be made by any public utility in any rate or other charge or classification, or in any rule, regulation, practice or contract relating to or affecting any rate or other charge, classification or service, or in any privilege or facility, except after thirty days' notice to the commission and to the public as herein provided. Such notice shall be given by filing with the commission and keeping open for public inspection new schedules or supplements stating plainly the change or changes to be made in the schedule or schedules then in force, and the time when the change or changes will go into effect. The commission, for good cause shown, may allow changes without requiring the thirty days' notice herein provided for, by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published. When any change is proposed in any rate or other charge, or classification, or in any rule, regulation, practice, or contract relating to or affecting any rate or other charge, classification or service, or in any privilege or facility, such proposed changes shall be plainly indicated on the new schedule filed with the commission, by some character to be designated by the commission, immediately preceding or following the item.

No public utility shall increase any rate or other charge, or so alter any classification, contract, practice, rule or regulation as to result in any increase in any rate or other charge, under any circumstances whatsoever, except upon a showing before the commission and a finding by the commission that such increase is justified.

Whenever there shall be filed with the commission any schedule stating an individual or joint rate or other charge, classification, contract.

practice, rule or regulation, the commission shall have power, and it is hereby given authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders, without answer or other formal pleadings by the interested public utility or utilities, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate or other charge, classification, contract, practice, rule or regulation, and pending the hearing and the decision thereon, such rate or other charge, classification, contract, practice, rule or regulation shall not go into effect: *Provided*, that the period of suspension of such rate or other charge, classification, contract, practice, rule or regulation shall not extend more than one hundred and twenty days beyond the time when such rate or other charge, classification, contract, practice, rule or regulation would otherwise go into effect unless the commission, in its discretion, extends the period of suspension for a further period not exceeding six months. On such hearing the commission shall establish the rates or other charges, classifications, contracts, practices, rules or regulations proposed, in whole or in part, or others in lieu thereof, which it shall find to be just and reasonable. All such rates or other charges, classifications, contracts, practices, rules or regulations not so suspended shall, on the expiration of thirty days from the time of filing the same with the commission, or of such lesser time as the commission may grant, go into effect and be the established and effective rates or other charges, classifications, contracts, practices, rules and regulations, subject to the power of the commission, after a hearing had on its own motion or upon complaint, as herein provided, to alter or modify the same. Within thirty days after such changes have been authorized by the commission, copies of the new or revised schedules shall be posted or filed in accordance with the terms of section 34 of this Act, in such a manner that all changes shall be plainly indicated.

§ 37. CHARGING MORE OR LESS THAN PUBLISHED RATE.] Except as in this article otherwise provided, no public utility shall charge, demand, collect or receive a greater or less or different compensation for any product, or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates or other charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time, except as provided in section 35, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates or other charges so specified, nor extend to any corporation or person any form of contract or agreement or any rule or regulation or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons.

§ 38. DISCRIMINATION FORBIDDEN.] No public utility shall, as to rates or other charges, services, facilities or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates or other charges, services, facilities, or in any other respect, either as between localities or as between classes of service.

Every public utility shall, upon reasonable notice, furnish to all persons who may apply therefor and be reasonably entitled thereto, suitable facilities and service, without discrimination and without delay.

§ 39. DISCRIMINATION—REBATES, ETC.] No public utility, or any officer or agent thereof, or any person acting for or employed by it, shall, directly or indirectly, by any device or means whatsoever, suffer or permit any corporation or person to obtain any service, commodity, or product at less than the rate or other charge then established and in force as shown by the schedules filed and in effect at the time. No person or corporation shall, directly or indirectly, by any device or means whatsoever, whether with or without the consent or connivance of a public utility or any of its officers, agents, or employees, seek to obtain or obtain any service, commodity, or product at less than the rate or other charge then established and in force therefor.

§ 40. LONG AND SHORT HAUL, ETC.—COMMON CARRIERS, TELEPHONES, TELEGRAPH, ETC.] No common carrier subject to the provisions of this Act shall charge or receive any greater compensation in the aggregate for the transportation of persons or of a like kind of property for a shorter than for a longer distance over the same line or route in the same direction within this State, the shorter being included within the longer distance, or charge any greater compensation as a through rate than the aggregate of the intermediate rates; but this shall not be construed as authorizing any such common carrier to charge or receive as great a compensation for a shorter as for a longer distance or haul. Upon application to the commission, any common carrier may, in special cases, after investigation, be authorized by the commission to charge less for a longer than for a shorter distance for the transportation of persons or property, and the commission may from time to time prescribe the extent to which such carrier may be relieved from the operation and requirements of this section.

No telephone or telegraph company subject to the provisions of this Act shall charge or receive any greater compensation in the aggregate for the transmission of any long distance message or conversation for a shorter than for a longer distance over the same line or route in the same direction, within this State, the shorter being included within the longer distance, or charge any greater compensation for a through service than the aggregate of the intermediate rates or tolls; but this shall not be construed as authorizing any such telephone or telegraph company to charge and receive as great a compensation for a shorter as for a longer distance. Upon application to the commission, a telephone or telegraph company may, in special cases, after investigation, be authorized by the commission to charge less for a longer than for a shorter distance service for the transmission of messages or conversations, and the commission may from time to time prescribe the extent to which such telephone or telegraph company may be relieved from the operation and requirements of this section.

No other public utility shall without the consent of the commission, charge or receive any greater compensation in the aggregate for a lesser commodity, product, or service than for a greater commodity, product or service of like character.

§ 41. COMMISSION TO FIX RATES AND REGULATIONS.] Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rates or other charges, or classifications, or any of them, demanded, observed, charged or collected by any public utility for any service or product or commodity, or in connection therewith, including the rates or fares for excursion or commutation tickets, or that the rules, regulations, contracts, or practices, or any of them, affecting such rates or other charges, or classifications, or any of them, are unjust, unreasonable, discriminatory or preferential, or in any wise in violation of any provision of law, or that such rates or other charges, or classifications are insufficient, the commission shall determine the just, reasonable or sufficient rates or other charges, classifications, rules, regulations, contracts or practices to be thereafter observed and in force, and shall fix the same by order as hereinafter provided.

The commission shall have power, upon a hearing, had upon its own motion or upon complaint, to investigate a single rate or other charge, classification, rule, regulation, contract or practice, or any number thereof, or the entire schedule or schedules of rates or other charges, classifications, rules, regulations, contracts and practices, or any thereof, of any public utility, and to establish new rates or other charges, classifications, rules, regulations, contracts or practices, or schedule or schedules, in lieu thereof: *Provided*, that nothing in this section or Act shall be construed to repeal "An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads in part or in whole in this State, and to provide penalties for the violation of the provisions thereof, and repealing all Acts and parts of Acts in conflict therewith," approved May 27, 1907, in force July 1, 1907.

§ 42. CONTROL OVER JOINT RATES.] Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rates or other charges, or classifications in force over two or more common carriers, between any two points in this State, are unjust, unreasonable or excessive, or that no satisfactory through route or joint rate or other charge, or classification exists between such points, and that the public convenience and necessity demand the establishment of a through route and joint rate or other charge, or classification between such points, the commission may order such common carriers to establish such through route and may establish and fix a joint rate or other charge, or classification which will be just and reasonable, to be followed, charged, enforced, demanded and collected in the future, and the terms and conditions under which such through route shall be operated. The commission may order that freight moving between such points shall be carried by the different common carriers, parties to such through

route and joint rate, without being transferred from the originating cars. In case the common carriers do not agree upon the division between them of the joint rates or other charges established by the commission over such through routes, the commission shall, after hearing, by supplemental order, establish such division: *Provided*, that where any railroad which is made a party to a through route has itself over its own line an equally satisfactory through route between the termini of the through route established, such railroad shall have the right to require as its division of the joint rate or other charge its local rate or other charge over the portion of its lines comprised in such through route, and the commission may, in its discretion, allow to such railroad more than its local rate or other charge whenever it will be equitable so to do: *And, provided*, that the shipper shall have the right to route his freight whenever through rates shall have been established either by the commission or by the common carrier.

The commission shall also have power, after a hearing had upon its own motion or upon complaint, to order any other public utilities to establish and fix reasonable and sufficient joint rates or other charges, or classifications. In case such public utilities do not agree upon the division between them of such joint rates or other charges the commission shall, after hearing, establish such division by supplemental order.

§ 43. INTERSTATE RATES.] The commission shall have the power to investigate all existing or proposed interstate rates or other charges, and classifications, and all rules and practices in relation thereto, of any public utility, where any act in relation thereto shall take place within this State; and when the same are, in the opinion of the commission, excessive or discriminatory or in violation of the Act of Congress entitled, "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the Acts amendatory thereof and supplementary thereto, or of any other Act of Congress, or in conflict with the rulings, orders or regulations of the Interstate Commerce Commission, the commission may apply by petition or otherwise to the Interstate Commerce Commission or to any court of competent jurisdiction for relief.

§ 44. INTERCHANGE OF TRAFFIC OR SERVICE.] Every common carrier shall afford all reasonable, proper and equal facilities for the prompt and efficient interchange and transfer of passengers, tonnage and cars, loaded or empty, between the lines owned, operated, controlled or leased by it and the lines of every other common carrier, and shall make such interchange and transfer promptly without discrimination between shippers, passengers or carriers either as to compensation charged, service rendered or facilities afforded. Every railroad company shall receive from every other railroad company having the same gauge track, at any point of connection, freight cars of proper standard and in proper condition, and shall haul the same either to destination, if the destination be upon a line owned, operated or controlled by such railroad company, or to point of transfer according to route billed, if the destination be upon the line of some other railroad company. But nothing in this Act shall be construed as requiring any common carrier to give the use of its terminal facilities to another common carrier engaged in like business.

Every telephone company and telegraph company operating in this State shall receive, transmit and deliver, without discrimination or delay, the conversations and messages of every other telephone or telegraph company with which a joint rate has been established or with whose line a physical connection may have been made.

§ 45. SIDE TRACK CONNECTIONS.] Every railroad company, upon the application of any corporation or person, being a shipper or receiver or contemplated shipper or receiver of freight, or of any corporation, person or municipal corporation owning, operating or controlling any wharf or harbor facilities, for a connection between the railroad of such railroad company and any existing or contemplated track, tracks or railroad of such corporation, person or municipal corporation, shall make such connection and provide such switches and tracks as may be necessary for that purpose and deliver and receive cars thereover: *Provided*, that such connection is reasonably practicable and can be installed and used without materially increasing the hazard of the operation of the railroad with which such connection is sought, and that the business which may reasonably be expected to be received by such railroad company over such connection is sufficient to justify the expense of such connection to such railroad company.

Under the conditions specified in the above proviso every railroad company, upon the application of any corporation or person, being a shipper or receiver or contemplated shipper or receiver of freight, shall construct upon its right of way a spur or spurs for the purpose of receiving and delivering freight thereby, and shall receive and deliver freight thereby.

Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that application has been made by any corporation or person to a railroad company for a connection or spur as provided in this section, and that the railroad company has refused to provide such connection or spur and that the applicant is entitled to have the same provided for him, the commission shall make an order requiring the providing of such connection or spur and the maintenance and use of the same upon reasonable terms which the commission shall have the power to prescribe. Whenever any such connection or spur has been so provided, any corporation or person shall be entitled to connect with the track, tracks or railroad thereby connected with the railroad of the railroad company and to use the same or to use the spur so provided upon payment to the party or parties incurring the primary expense of such track, tracks or railroad, or the connection therewith or of such spur, of a reasonable proportion of the cost thereof to be determined by the commission after notice to the interested parties and a hearing thereon: *Provided*, that such connection and use can be made without unreasonable interference with the rights of the party or parties incurring such primary expense. The commission shall likewise have the power to require one railroad company to switch to private spurs and industrial tracks upon its own railroad the cars of a connecting railroad company and to prescribe the terms and compensation for such service.

§ 46. TRACK CONNECTIONS.] Whenever the commission shall find, after a hearing made upon complaint or upon its own motion, that the public convenience and necessity would be subserved by having track connections made, between any two or more railroads or between any two or more street railroads, the commission shall order and such railroads or street railroads of the same or similar gauge to make physical connections at any and all crossings, and at all points where a railroad shall begin or terminate at or near any other railroad, and at all towns or cities where two or more railroads enter the limits of the same, so that the cars of any such railroad company may be speedily transferred from one railroad to another, and shall order whether the expense thereof shall be borne jointly or otherwise.

§ 47. TELEPHONE AND TELEGRAPH CONNECTIONS.] Whenever the commission, after a hearing had upon its own motion or upon complaint, shall determine that public convenience and necessity require a physical connection for the establishment of a continuous line of communication between any two or more public utilities for the conveyance of messages or conversations, the commission may, by order, require that such connection be made. If such public utilities do not agree upon the division between them of the cost of such physical connection or connections, the commission shall have authority, after further hearing, to establish such division by supplemental order.

§ 48. JOINT USE OF FACILITIES.] Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that public convenience and necessity require the use by one public utility of the conduits, subways, tracks, wires, poles, pipes or other property or equipment, or any part thereof, on, over or under any street or highway, belonging to another public utility, and that such use will not prevent the owner or other users thereof from performing their public duties nor result in irreparable injury to such owner or other users of such conduits, subways, tracks, wires, poles, pipes or other property or equipment, or in any substantial detriment to the service, and that such public utilities have failed to agree upon such use, or the terms and conditions or compensation for the same, the commission may, by order, direct that such use be permitted and prescribe a reasonable compensation and reasonable terms and conditions for such joint use. If such use be directed, the public utility to whom the use is permitted shall be liable to the owner or other users of such conduits, subways, tracks, wires, poles, pipes or other property or equipment, for such damage as may result therefrom to the property of such owner or other users thereof: *Provided*, that nothing in this section shall be construed to extend the jurisdiction of the commission over the joint use of such facilities of public utilities mainly or primarily within a city and subject to the jurisdiction of such city.

§ 49. FACILITIES, ETC.—POWER OF COMMISSION TO REQUIRE.] Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rules, regulations, practices, equipment, appliances, facilities or service of any public utility, or the methods of manufacture, distribution, transmission, storage or supply employed by it, are unjust, unreasonable, unsafe, improper, inadequate or insufficient,

the commission shall determine the just, reasonable, safe, proper, adequate or sufficient rules, regulations, practices, equipment, appliances, facilities, service or methods to be observed, furnished, constructed, enforced or employed and shall fix the same by its order, decision, rule or regulation. The commission shall prescribe rules and regulations for the performance of any service or the furnishing of any commodity of the character furnished or supplied by any public utility.

§ 50. ADDITIONS AND NEW STRUCTURES—JOINT CONSTRUCTION.] Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that additions, extensions, repairs or improvements to, or changes in, the existing plant, equipment, apparatus, facilities or other physical property of any public utility or of any two or more public utilities ought reasonably to be made, or that a new structure or structures should be erected, to promote the security or convenience of its employees or the public, or in any other way to secure adequate service or facilities, the commission shall make and serve an order directing that such additions, extensions, repairs, improvements or changes to be made or such structure or structures be erected in the manner and within the time specified in said order. If any additions, extensions, repairs, improvements or changes, or any new structure or structures which the commission has ordered to be erected, require joint action by two or more public utilities, the commission shall notify the said public utilities that such additions, extensions, repairs, improvements or changes or new structure or structures have been ordered and that the same shall be made at their joint cost, whereupon the said public utilities shall have such reasonable time as the commission may grant within which to agree upon the portion or division of cost of such additions, extensions, repairs, improvements or changes or new structure or structures, which each shall bear. If at the expiration of such time such public utilities shall fail to file with the commission a statement that an agreement has been made for a division or apportionment of the cost or expense of such additions, extensions, repairs, improvements or changes, or new structure or structures, the commission shall have authority, after further hearing, to make an order fixing the proportion of such cost or expense to be borne by each public utility and the manner in which the same shall be paid or secured.

§ 51. ADEQUACY OF RAILROAD SERVICE.] Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that any railroad or street railroad company does not run a sufficient number of trains or cars, or possess or operate sufficient motive power, reasonably to accommodate the traffic, passenger or freight, transported by or offered for transportation to it, or does not run its trains or cars with sufficient frequency or at a reasonable or proper time having regard to safety, or does not stop the same at proper places, or does not run any train or trains, car or cars, upon a reasonable time schedule for the run, the commission shall have power to make an order directing any such railroad or street railroad company to increase the number of its trains or of its cars or its motive power or to change the time for starting its trains or cars or to change the time schedule for the run of any train or car, or to change the stopping place or places thereof, or to

make any other order that the commission may determine to be reasonably necessary to accommodate and transport the traffic, passenger or freight, transported or offered for transportation.

§ 52. DISTRIBUTION OF CARS—EXPEDITING TRAFFIC—DEMURRAGE—STORAGE—SWITCHING—DELIVERY OF EXPRESS—WEIGHTS.] Every railroad company shall, when within its powers to do so, and upon reasonable notice, furnish suitable cars to any and all persons who may apply therefor, for the transportation of any and all kinds of freight in carload lots, and shall use reasonable diligence in moving freight and making deliveries thereof. In case of insufficiency of cars at any time to meet all requirements, such cars as are available shall be distributed among the several applicants therefor in proportion to their respective immediate requirements without discrimination between shippers, localities or competitive or non-competitive places: *Provided, however,* that preference may be given to shipments of live stock and perishable property. The commission, after a hearing upon its own motion or upon complaint, may issue orders concerning the distribution of cars.

The commission shall have power to fix and establish reasonable rates, rules and regulations regarding demurrage, storage, icing and all other charges incident to the transportation of property, and to fix and establish reasonable switching rules and regulations, and to establish reasonable limits for said switching and reasonable rates therefor; and shall have power to provide by proper rules and regulations the time within which all railroads shall furnish after demand therefor, all cars, equipment and facilities necessary for the handling of freight, in carload and less than carload lots, the time within which consignors and persons ordering cars shall load the same, and the time within which consignees and persons to whom freight may be consigned shall unload and discharge the same and receive freight from the freight rooms, and to provide penalties to be paid for failure on the part of the railroads, consignors and consignees to conform to such rules. The commission shall also have power to provide the time within which express packages shall be received, gathered, transported and delivered at destination, and the limits within which express packages shall be gathered and distributed and telegraph and telephone messages delivered without extra charge.

The commission shall have power to enforce reasonable regulations for the weighing of cars, and of freight offered for shipment over any line of railroad, and to test the weights made by any railroad and scales used in weighing freight on cars.

§ 53. CONDITIONS IN CONTRACTS FOR PUBLIC UTILITY SERVICES AND FORMS OF EXPRESS RECEIPTS.] The commission is authorized to make rules and regulations concerning the conditions to be contained in and become a part of contracts for public utility services, and any and all services concerning the same, or connected therewith.

The commission shall have authority to prescribe a form of receipt for each shipment by express, also a form of receipt for moneys paid for charges for the transportation by express of any article or thing, to be given upon receipt, or upon the payment of such charges.

Upon demand of a shipper each receiving or forwarding express company shall be required to furnish a receipt or other evidence in writing, in such form as may be prescribed by or approved of by said commission, stating the quantity, character, weight, order and condition of goods or articles tendered for shipment, and said express companies shall in like manner execute and furnish upon demand a receipt for the charges paid on any shipment, which shall cover substantially the following items: Date of shipment; name of consignor; name of connecting line or express company; name or description of each article or package covered by or in such receipt; the graduate scale or rate employed in making the rate or charge on such article or package, separately; the amount of charge on each article or package; the amount of advanced charges (if any); the sum total of charges to be paid by the consignee. And any such express company is hereby prohibited from including in any such receipt for shipments to be made any restriction or evasion of the common law liability of such carrier.

§ 54. STANDARDS OF SERVICE.] The commission shall have power to ascertain, determine and fix for each kind of public utility suitable and convenient standard commercial units of service, product or commodity, which units shall be lawful units for the purposes of this Act; to ascertain, determine and fix adequate and serviceable standards for the measurement of quantity, quality, pressure, initial voltage or other condition pertaining to the performing of its service or to the furnishing of its product or commodity by any public utility, and to prescribe reasonable regulations for examining, measuring and testing such service, product or commodity, and to establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for examining, measuring, or testing such service, product or commodity. The commission may purchase such materials, apparatus and standard measuring instruments as it deems necessary to carry out the provisions of this section.

The commission shall provide for the inspection of the manner in which every public utility conforms to the reasonable regulations prescribed by the commission for examining, measuring and testing its service, product or commodity, and the commission may supplement such inspections by examining, measuring and testing the service, product or commodity of any public utility. Any consumer or user may have tested any appliance for examining, measuring or testing any such service, product or commodity upon payment of the fees fixed by the commission. The commission shall declare and establish reasonable fees to be paid for examining and testing such appliances on the request of consumers or users, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the measuring appliance be found unreasonably defective or incorrect to the disadvantage of the consumer or user.

The commission, its officers, agents, experts or inspectors and employees shall have power to enter upon any premises occupied by any public utility for the purpose of making the examinations and tests provided in this Act, and to set up and use on such premises any apparatus and appliances and occupy reasonable space therefor.

Nothing contained in this section shall limit in any manner any powers or authority vested in cities by Article VI of this Act, when such cities have acted pursuant to such authority.

§ 55. CERTIFICATE OF CONVENIENCE AND NECESSITY.] No public utility shall begin the construction of any new plant, equipment, property or facility which is not in substitution of any existing plant, equipment, property or facilities or in extension thereof or in addition thereto, unless and until it shall have obtained from the commission a certificate that public convenience and necessity require such construction.

No public utility not owning any city or village franchise nor engaged in performing any public service or in furnishing any product or commodity within this State at the time this Act goes into effect shall transact any business in this State until it shall have obtained a certificate from the commission that public convenience and necessity require the transaction of such business.

Whenever after a hearing the commission determines that any new construction or the transaction of any business by a public utility will promote the public convenience and is necessary thereto it shall have the power to issue certificates of public convenience and necessity.

Such certificates may be altered or modified by the commission, upon its own motion or upon application by the person or corporation affected. Unless exercised within a period of two years from the grant thereof authority conferred by a certificate of convenience and necessity issued by the commission shall be null and void.

§ 56. REPORT AND INVESTIGATION OF ACCIDENTS.] Every public utility shall file with the commission, under such rules and regulations as the commission may prescribe, a report of every accident occurring, or that may occur, to or on its plant, equipment, or other property of such a nature as to endanger the safety, health or property of any person: *Provided*, that whenever any accident occasions the loss of life or limb to any person, such public utility shall immediately give notice to the commission of the fact by the speediest means of communication, whether telephone, telegraph or post.

The commission shall investigate all accidents occurring within this State upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and shall have the power to make such order or recommendation with respect thereto as in its judgment may seem just and reasonable: *Provided*, that neither the order or recommendation of the commission nor any accident report filed with the commission shall be admitted in evidence in any action for damages based on or arising out of the loss of life, or injury to person or property, in this section referred to.

§ 57. SAFETY OF PLANT, APPLIANCES, ETC., RAILROAD TRACK, ETC.] The commission shall have power, after a hearing and upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise, to require every public utility to maintain and operate its plant, equipment or other property in such manner as to promote

and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junctions and block or other systems of signalling, to establish uniform or other standards of equipment, and to require the performance of any other act which the health or safety of its employees, passengers, customers or the public may demand.

Whenever it shall come to the knowledge of the commission that the equipment or appliances, or the apparatus, track, bridges, trestles or other structures of any common carrier are out of repair or in an unsafe condition, it shall, after an investigation, give notice in writing to the common carrier of the improvements and changes deemed necessary to place the same in a safe condition, and shall recommend to the common carrier that it make such repairs, changes, improvements or new constructions as the commission shall deem necessary to the safety of persons and property being transported thereon. The commission shall give such common carrier an opportunity for a full hearing, and unless the common carrier shall satisfy the commission that no action is required to be taken with respect to any or all of such matters the commission shall fix a time within which repairs, changes, improvements or new constructions deemed by it necessary shall be made. The commission may also prescribe the rate of speed for trains or cars passing over defective tracks, bridges, trestles or other structures until repairs or new constructions required are made; and may, if, in its opinion, it is needful or proper, forbid the running of trains or cars over any defective track, bridge, trestle or other structure until the same be repaired and placed in a safe condition.

§ 58. GRADE CROSSINGS.] No public road, highway or street shall hereafter be constructed across the track of any railroad company at grade, nor shall the track of any railroad company be constructed across a public road, highway or street at grade nor shall the track of any railroad company be constructed across the track of any other railroad or street railroad company at grade, nor shall the track of a street railroad company be constructed across the track of a railroad company at grade, without having first secured the permission of the commission: *Provided*, that this section shall not apply to the replacement of lawfully existing roads, highways and tracks. The commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe. The commission shall have power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use and protection of each such grade crossing.

The commission shall also have power, after a hearing, to alter or abolish any grade crossing, heretofore or hereafter established, when in its opinion the public safety requires such alteration or abolition, or to require a separation of grades at any such crossing; and to prescribe, after a hearing of the parties, the terms upon which such separation shall be made and the proportions in which the expense of the alteration

or abolition of such crossings or the separation of such grades shall be divided between the railroad or street railroad companies affected or between such companies and the State, county, municipality or other public authority in interest: *Provided*, that nothing in this Act shall be construed to repeal an Act in relation to the crossing of one railroad by another, approved May 25, 1907, and in force July 1, 1907.

§ 59. EMINENT DOMAIN.] When necessary for the construction of any alterations, additions, extensions or improvements ordered or authorized under sections 50 or 58 or subdivision two (2) of section 81 of this Act, any public utility may enter upon, take or damage private property in the manner provided for by the law of eminent domain.

ARTICLE V.

PROCEEDINGS BEFORE THE COMMISSION AND IN THE COURTS.

§ 60. INVESTIGATIONS AND HEARINGS.] The commission, or any commissioner, or officer of the commission designated by the commission, shall have power to hold investigations, inquiries and hearings concerning any matters covered by the provisions of this Act, or by any other Acts relating to public utilities, subject to such rules and regulations as the commission may establish. In the conduct of any investigation, inquiry or hearing neither the commission nor any commissioner or officer of the commission shall be bound by the technical rules of evidence, and no informality in any proceeding or in the manner of taking testimony before the commission, any commissioner or an officer of the commission shall invalidate any order, decision, rule or regulation made, approved, or confirmed by the commission. All hearings conducted by the commission shall be open to the public.

Each commissioner, the secretary of the commission, and every officer of the commission designated by it to hold any inquiry, investigation or hearing, shall have power to administer oaths and affirmations, certify to all official acts, issue subpoenas, compel the attendance and testimony of witnesses, and the production of papers, books, accounts and documents.

§ 61. TESTIMONY—IMMUNITY.] No person shall be excused from testifying or from producing any papers, books, accounts or documents in any investigation or inquiry or upon any hearing ordered by the commission, when ordered to do so by the commission or any commissioner, or officer of the commission, upon the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before the commission or a commissioner or an officer of the commission: *Provided*, that such immunity shall extend only to a natural person, who in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath. No person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

§ 62. ATTENDANCE OF WITNESSES—PRODUCTION OF PAPERS.] All subpoenas issued under the terms of this Act may be served by any person of full age. The fees of witnesses for attendance and travel shall be the same as fees of witnesses before the circuit courts of this State, such fees to be paid when the witness is excused from further attendance, when the witness is subpoenaed at the instance of the commission or any commissioner; and the disbursements made in the payment of such fees shall be audited and paid in the same manner as are other expenses of the commission. Whenever a subpoena is issued at the instance of a complainant, respondent, or other party to any proceeding before the commission, the commission may require that the cost of service thereof and the fee of the witness shall be borne by the party at whose instance the witness is summoned, and the commission shall have power, in its discretion, to require a deposit to cover the cost of such service and witness fees and the payment of the legal witness fee and mileage to the witness when served with subpoena. A subpoena issued as aforesaid shall be served in the same manner as a subpoena issued out of a court of record.

Any person who shall be served with a subpoena to appear and testify, or to produce books, papers, accounts or documents, issued by the commission or by any commissioner or officer of the commission, in the course of an inquiry, investigation or hearing conducted under any of the provisions of this Act, and who shall refuse or neglect to appear, or to testify, or to produce books, papers, accounts and documents relevant to said inquiry, investigation or hearing as commanded in such subpoena, shall be guilty of a misdemeanor.

Any circuit court of this State, or any judge thereof, either in term time or vacation, upon application of the commission, or a commissioner or officer of the commission, may, in his discretion, compel the attendance of witnesses, the production of books, papers, accounts and documents, and the giving of testimony before the commission, or before any such commissioner or officer, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before said court.

The commission or a commissioner or any officer of the commission or any party may in any investigation or hearing before the commission cause the deposition of witnesses residing within or without this State to be taken in the manner prescribed by law for like depositions and actions in the courts of this State and to that end may require the attendance of witnesses and the production of papers, books, accounts and documents.

The commission may require, by order served on any person, to produce in the manner provided herein for the service of orders, all books, papers, accounts, papers or documents kept by any person within this State in any office or place without regard to the fact that option, verified copies in lieu thereof, so that the same may be made by the commission or under its direction.

§ 63. RIGHT TO INSPECT BOOKS AND PROCEEDINGS OF COMMISSIONERS AND AGENTS OF PUBLIC UTILITIES.] The commission

each officer and person employed by the commission shall have the right, at any and all times, to inspect the papers, books, accounts and documents, plant, equipment or other property of any public utility, and the commission, each commissioner and any officer of the commission authorized to administer oaths shall have power to examine under oath any officer, agent or employee of such public utility in relation to any matter within the jurisdiction of the commission: *Provided*, that any person other than a commissioner demanding such inspection shall produce under the seal of the commission his authority to make such inspection: *And, provided, further*, that a written record of the testimony or statement so given under oath shall be made and filed with the commission. Information so obtained shall not be admitted in evidence or used in any proceeding except in proceedings provided for in this Act.

§ 64. COMPLAINTS—NOTICE.] Complaint may be made by the commission, of its own motion or by any person or corporation, chamber of commerce, board of trade, or any industrial, commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation by petition or complaint in writing, setting forth any act or thing done or omitted to be done in violation, or claimed to be in violation, of any provision of this Act, or of any order or rule of the commission. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of complaints or grievances or misjoinder of parties; and in any review by the courts of orders of the commission the same rule shall apply and pertain with regard to the joinder of complaints and parties as herein provided. No complaint shall be dismissed because of the absence of direct damage to the complainant.

Upon the filing of a complaint the commission shall cause a copy thereof to be served upon the person or corporation complained of, which shall be accompanied by a notice requiring that the complaint be satisfied and answered within a reasonable time to be specified by the commission, or within the discretion of the commission, by a notice fixing a time when and place where a hearing will be had upon such complaint. Notice of the time and place shall also be given to the complainant and to such other persons as the commission shall deem necessary. The commission shall have authority to hear and investigate any complaint notwithstanding the fact that the person or corporation complained of may have satisfied the complaint.

Notice for such hearing shall not be less than ten days after service of such notice and complaint except as herein provided. In all hearings, investigations, and proceedings before the commission, no action shall be made upon any person upon whom a summons has been served in accordance with the provisions of an Act entitled, "An Act to amend the practice and procedure in courts of record," approved July 1, 1907, and may be made personally or by registered mail in a sealed envelope, registered, and the provisions of this section as to notice shall apply. The commission or under its authority. All persons shall have a right to complain on any of the matters which are allowed to be filed by other parties,

and the same procedure shall be adopted and followed as in other cases, except that the complaint may be heard *ex parte* by the commission or may be served upon any parties designated by the commission.

§ 65. HEARINGS—ORDERS—RECORD—COPIES OF OFFICIAL DOCUMENTS AND ORDERS.] At the time fixed for any hearing upon a complaint, the complainant and the person or corporation complained of, and such persons or corporations as the commission may allow to intervene, shall be entitled to be heard and to introduce evidence. The commission shall issue process to enforce the attendance of all necessary witnesses. At the conclusion of such hearing the commission shall make and render findings concerning the subject-matter and facts inquired into and enter its order based thereon. A copy of such order, certified under the seal of the commission, shall be served upon the person or corporation complained of, or his or its attorney, which order shall, of its own force, take effect and become operative twenty days after the service thereof, except as otherwise provided, and shall continue in force either for a period which may be designated therein or until changed or abrogated by the commission. Where an order cannot, in the judgment of the commission, be complied with within twenty days, the commission may prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in its order. A full and complete record shall be preserved of all proceedings had before the commission, or any member thereof, on any formal hearing had, and all testimony shall be taken down by a stenographer appointed by the commission, and the parties shall be entitled to be heard in person or by attorney.

In case of an appeal from any order or decision of the commission, under the terms of sections 68 and 69 of this Act, a transcript of such testimony, together with all exhibits or copies thereof introduced and all information secured by the commission on its own initiative and considered by it in rendering its order or decision, and of the pleadings, record and proceedings in the case, shall constitute the record of the commission: *Provided*, that on appeal from an order or decision of the commission, the person or corporation taking the appeal and the commission may stipulate that a certain question or certain questions alone and a specified portion only of the evidence shall be certified to the court for its judgment, whereupon such stipulation and the question or questions and the evidence therein specified shall constitute the record on appeal.

Copies of all official documents and orders filed or deposited according to law in the office of the commission, certified by a commissioner or by the secretary of the commission to be true copies of the originals, under the official seal of the commission, shall be evidence in like manner as the originals.

In any matter concerning which the commission is authorized to hold a hearing, upon complaint or application or upon its own motion, notice shall be given to the public utility and to such other interested persons as the commission shall deem necessary in the manner provided in the preceding section, and the hearing shall be conducted in like manner as

if complaint had been made to or by the commission. But nothing in this Act shall be taken to limit or restrict the power of the commission, summarily, of its own motion, with or without notice, to conduct any investigations or inquiries authorized by this Act, in such manner and by such means as it may deem proper, and to take such action as it may deem necessary in connection therewith. With respect to any rules, regulations, decisions or orders, which the commission is authorized to issue without a hearing, and so issues, any public utility or other person or corporation affected thereby and deeming such rules, regulations, decisions or orders, or any of them, improper, unreasonable or contrary to law, may apply for a hearing thereon, setting forth specifically in such application every ground of objection which the applicant desires to urge against such rule, regulation, decision or order. The commission may, in its discretion, grant or deny the application, and a hearing, if had, shall be subject to the provisions of this and the preceding sections.

§ 66. SERVICE OF ORDERS.] Every order of the commission shall be served upon every person or corporation to be affected thereby, either by personal delivery of a certified copy thereof, or by mailing in the United States mail a certified copy thereof, in a sealed package with postage prepaid, to the person to be affected thereby or in the case of a corporation, to any officer or agent thereof upon whom a summons of a court of record may be served in an action at law. It shall be the duty of every person and corporation to notify the commission forthwith, in writing, of the receipt of the certified copy of every order so served, and in the case of a corporation such notification must be signed and acknowledged by a person or officer duly authorized by the corporation to admit such service. Within a time specified in the order of the commission every person and corporation upon whom it is served must, if so required in the order, notify the commission in like manner whether the terms of the order are accepted and will be obeyed.

§ 67. MODIFICATION OF ORDER OR DECISION—REHEARING.] The commission may at any time, upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any rule, regulation, order or decision made by it. Any order rescinding, altering or amending a prior rule, regulation, order or decision shall, when served upon the public utility affected, have the same effect as is herein provided for original rules, regulations, orders or decisions.

After any rule, regulation, order or decision has been made by the commission, any party to the action or proceedings, or any stockholder or bondholder or other party pecuniarily interested in the public utility affected, may apply for a rehearing in respect to any matters determined in said action or proceeding and specified in the application for rehearing, and the commission may grant and hold such rehearing on said matters, if in its judgment sufficient reason therefor be made to appear. An application for rehearing shall not excuse any corporation or person from complying with and obeying any rule, regulation, order or decision or any requirement of any rule, regulation, order or decision of the

commission theretofore made, or operate in any manner to stay or postpone the enforcement thereof, except in such cases and upon such terms as the commission may by order direct. If, after such rehearing and consideration of all the facts, including those arising since the making of the rule, regulation, order or decision, the commission shall be of the opinion that the original rule, regulation, order or decision or any part thereof is in any respect unjust or unwarranted, or should be changed, the commission may rescind, alter or amend the same. A rule, regulation, order or decision made after such rehearing, rescinding, altering or amending the original rule, regulation, order or decision shall have the same force and effect as an original rule, regulation, order or decision, but shall not affect any right or the enforcement of any right arising from or by virtue of the original rule, regulation, order or decision unless so ordered by the commission. Only one rehearing shall be granted by the commission; but this shall not be construed to prevent any party from filing a petition setting up a new and different state of facts after two years, and invoking the action of the commission thereon.

§ 68. ACTION TO SET ASIDE ORDERS OF COMMISSION.] Within thirty days after the service of any order or decision of the commission made after a final hearing, or within thirty days after a hearing or refusal of a hearing upon any rule, regulation, order or decision which the commission is authorized to issue without a hearing and has so issued, any person or corporation affected by such rule, regulation, order or decision may appeal to the circuit court of Sangamon county, for the purpose of having the reasonableness or lawfulness of the rule, regulation, order or decision inquired into and determined: *Provided*, that no proceeding to contest any rule, regulation, decision or order which the commission is authorized to issue without a hearing and has so issued, shall be brought in any court unless application shall have been first made to the commission for a hearing thereon and until after such application has been acted upon by the commission, nor shall any person or corporation in any court urge or rely upon any grounds not set forth in such application for a hearing before the commission: *And, provided*, the commission shall decide the questions presented by said application with all possible expedition consistent with the duties of the commission. The party taking such an appeal shall file with the secretary of the commission, at its office in Springfield, Illinois, written notice of said appeal. The commission, upon the filing of such notice of appeal, shall, within five days thereafter, file with the clerk of said circuit court of Sangamon county a certified copy of the order appealed from and within ten days thereafter the record provided for in section 64. The party serving such notice of appeal shall, within five days after the service of such notice upon the commission, file a copy of said notice, with proof of service, with the clerk of said court to which such appeal is taken, and thereupon said circuit court shall have jurisdiction over said appeal and the same shall be entered upon the records of said circuit court and shall be tried therein without formal pleadings, but otherwise, according to the rules relating to the trial of chancery suits, so far as the same are applicable.

No new or additional evidence may be introduced in any proceeding upon appeal from a rule, regulation, order or decision of the commission, issued or confirmed after a hearing, but the appeal shall be heard on the record of the commission as certified to by it. The findings and conclusions of the commission on questions of fact shall be held *prima facie* to be true and as found by the commission; and a rule, regulation, order or decision of the commission shall not be set aside unless it clearly appears that the finding of the commission was against the manifest weight of the evidence presented to or before the commission for and against such rule, regulation, order or decision, or that the same was without the jurisdiction of the commission. If it appears that the commission failed to receive evidence properly proffered, on a hearing or on a rehearing, or on application therefor, the court shall remand the case to the commission with instructions to receive the testimony so proffered and rejected, and to enter a new order based upon the evidence theretofore taken, and such new evidence as it is directed to receive. Rules, regulations, orders or decisions of the commission shall be held to be *prima facie* reasonable, and the burden of proof upon all issues raised by the appeal shall be upon the person or corporation appealing from such rules, regulations, orders or decisions. Upon hearing any such appeal the court shall enter judgment either affirming or setting aside the rule, regulation, order or decision of the commission.

When no appeal is taken from a rule, regulation, order or decision of the commission, as herein provided, parties affected by such rule, regulation, order or decision, shall be deemed to have waived the right to have the merits of said controversy reviewed by a court and there shall be no trial of the merits of any controversy in which such rule, regulation, order or decision was made, by any court to which application may be made for a writ to enforce the same, in any other judicial proceeding.

§ 69. APPEALS TO SUPREME COURT.] Appeals from all final orders and judgments entered by the said circuit court, in review of rules, regulations, orders or decisions of the commission, may be taken directly to the Supreme Court by either party to the action, within sixty days after service of a copy of the order or judgment of said circuit court, and shall be governed by the rules applying to chancery cases appealed to said Supreme Court, except that formal pleadings shall not be required.

§ 70. EXPEDITION OF CASES.] Any proceeding in any court in this State directly affecting a rule, regulation, order or decision of the commission, or to which the commission is a party, shall have priority in hearing and determination over all other civil proceedings pending in such court, excepting election contests.

§ 71. SUSPENSION OF ORDER OF COMMISSION PENDING JUDICIAL REVIEW.] The pendency of an appeal shall not of itself stay or suspend the operation of the rule, regulation, order or decision of the commission, but during the pendency of such appeal the circuit court of Sanga-

mon county, or the Supreme Court, as the case may be, in its discretion may stay or suspend, in whole or in part, the operation of the commission's rule, regulation, order or decision.

No order so staying or suspending a rule, regulation, order or decision of the commission shall be made by the court otherwise than upon three days' notice to the commission and after a hearing, and if the rule, regulation, order or decision of the commission is suspended, the order suspending the same shall contain a specific finding based upon evidence submitted to the court, and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner, and specifying the nature of the damage:

Provided, however, that when any rate or other charge has been in force for any length of time exceeding one year, and such rate or other charge is advanced by the public utility, and the order of the commission reinstates such prior rate or other charge, in whole or in part, no suspending order shall be allowed in any case from such order pending the final determination of the case in the circuit court, or if appealed to the Supreme Court by such Supreme Court.

In case the rule, regulation, order or decision of the commission is stayed or suspended, the order of the court shall not become effective until a suspending bond shall first have been executed and filed with, and approved by the commission (or approved, on review, by the court) payable to the people of the State of Illinois, and sufficient in amount and security to insure the prompt payment, by the party petitioning for the review, of all damages caused by the delay in the enforcement of the rule, regulation, order or decision of the commission, and of all moneys which any person or corporation may be compelled to pay, pending the review proceedings, for transportation, transmission, product, commodity, or service in excess of the charges fixed by the rule, regulation, order or decision of the commission, in case said rule, regulation, order or decision is sustained. The court, in case it stays or suspends the rule, regulation, order or decision of the commission in any matter affecting rates or other charges, or classifications, may, in its discretion, also by order direct the public utility affected to pay into court, from time to time, thereto to be impounded until the final decision of the case, or into some bank or trust company paying interest on deposits, under such conditions as the court may prescribe, all sums of money which it may collect from any corporation or person in excess of the sum such corporation or person would have been compelled to pay if the rule, regulation, order or decision of the commission had not been stayed or suspended.

§ 72. REPARATION FOR OVERCHARGE—INVESTIGATION OF CLAIMS AGAINST PUBLIC UTILITIES.] When complaint has been made to the commission concerning any rate or other charge of any public utility and the commission has found, after a hearing, that the public utility has charged an excessive or unjustly discriminatory amount for its product, commodity or service, the commission may order that the public

utility make due reparation to the complainant therefor, with interest at the legal rate from the date of payment of such excessive or unjustly discriminatory amount.

If the public utility does not comply with an order of the commission for the payment of money within the time fixed in such order, the complainant, or any person for whose benefit such order was made, may file in any court of competent jurisdiction a petition setting forth briefly the causes for which he claims damages and the order of the commission in the premises. Such suit shall proceed in all respects like other civil suits for damages, except that on the trial of such suit the order of the commission shall be *prima facie* evidence of the facts therein stated. If the petitioner shall finally prevail he shall be allowed a reasonable attorney's fee to be taxed and collected as a part of the costs of the action.

All complaints for the recovery of damages shall be filed with the commission within two years from the time the product, commodity or service as to which complaint is made was furnished or performed, and a petition for the enforcement of an order of the commission for the payment of money shall be filed in the proper court within one year from the date of the order.

The remedy provided in this section shall be cumulative, and in addition to any other remedy or remedies in this Act provided in case of failure of a public utility to obey a rule, regulation, order or decision of the commission.

The commission shall have power to receive complaints regarding loss or damage occasioned by a public utility, and to make inquiry as to the methods of adjusting such claims. All claims against any public utility for loss of, or damage to, property, or for any other loss or damage, in connection with a public utility service, not covered by the preceding paragraphs of this section, if not acted upon within ninety days from the date of the filing of the claim with the public utility, may be investigated by the commission, in its discretion, and the results of such investigation shall be embodied in a special report which shall be open to public inspection.

§ 73. CIVIL DAMAGES.] In case any public utility shall do, cause to be done or permit to be done any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done either by any provisions of this Act or any rule, regulation, order or decision of the commission, issued under authority of this Act, such public utility shall be liable to the persons or corporations affected thereby for all loss, damages or injury caused thereby or resulting therefrom, and if the court shall find that the act or omission was wilful, the court may in addition to the actual damages, award damages for the sake of example and by the way of punishment. An action to recover for such loss, damage or injury may be brought in any court of competent jurisdiction by any person or corporation.

In every case of a recovery of damages by any person or corporation under the provision of this section, the plaintiff shall be entitled to a reasonable council's [counsel's] or attorney's fee to be fixed by the court, which fee shall be taxed and collected as part of the costs in the case.

No recovery as in this section provided shall in any manner affect a recovery by the State of the penalties in this Act provided.

§ 74. REMEDIES CUMULATIVE.] This Act shall not have the effect to release or waive any right of action by the State, the commission, or by any body politic, municipal corporation, person or corporation for any right or penalty which may have arisen or accrued or may hereafter arise or accrue under any law of this State.

All penalties accruing under this Act shall be cumulative of each other, and suit for the recovery of one penalty shall not be a bar to or affect the recovery of any other penalty or be a bar to any criminal prosecution against any public utility, or any officer, director, agent or employee thereof, or any other corporation or person.

§ 75. MANDAMUS OR INJUNCTION PROCEEDINGS AT INSTANCE OF COMMISSION.] Whenever the commission shall be of the opinion that any public utility is failing or omitting or about to fail or omit, to do anything required of it by law, or by any order, decision, rule, regulation, direction or requirement of the commission, issued or made under authority of this Act, or is doing anything or about to do anything or permitting anything or about to permit anything to be done, contrary to or in violation of law or of any order, decision, rule, regulation, direction or requirement of the commission, issued or made under authority of this Act, it shall direct the counsel for the commission to commence an action or proceeding in the circuit court, or in any other court of concurrent jurisdiction, in and for the county in which the case or some part thereof arose, or in which the person or corporations complained of, if any, has its principal place of business, or in which the person complained of, if any, resides, in the name of the people of the State of Illinois, for the purpose of having such violations or threatened violations stopped and prevented, either by *mandamus* or injunction. Counsel for the commission shall thereupon begin such action or proceeding by petition to such circuit court, alleging the violation or threatened violation complained of, and praying for appropriate relief by way of *mandamus* or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public utility complained of must answer the petition, and in the meantime said public utility may be restrained. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances of the case. Such corporations or persons as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of *mandamus* or injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. An appeal may be taken from such final

judgment in the same manner and with the same effect, subject to the provisions of this Act, as appeals are taken from judgments of the circuit court in other actions for *mandamus* or injunction.

§ 76. PENALTY FOR VIOLATION BY PUBLIC UTILITY OR CORPORATION OTHER THAN A PUBLIC UTILITY OF ACT OR ORDERS—SEPARATE OFFENSES.] Any public utility or any corporation other than a public utility, which violates or fails to comply with any provisions of this Act, or which fails to obey, observe or comply with any order, decision, rule, regulation, direction or requirement or any part or provision thereof, of the commission, made or issued under authority of this Act, in a case in which a penalty is not otherwise provided for in this Act, upon conviction, shall be punished by a fine of not less than five hundred dollars nor more than two thousand dollars for each and every offense.

Every violation of the provisions of this Act or of any order, decision, rule, regulation, direction or requirement of the commission, or any part or portion thereof by any corporation or person is a separate and distinct offense and in case of a continuing violation each day's continuance thereof shall be and be deemed to be a separate and distinct offense.

In construing and enforcing the provisions of this Act relating to penalties, the act, omission, or failure of any officer, agent, or employee of any public utility, acting within the scope of his official duties or employment, shall in every case be and be deemed to be the act, omission, or failure of such public utility.

§ 77. PERSONS VIOLATING ACT OR ORDER—PENALTY.] Every person, who, either individually, or acting as an officer, agent or employee of a public utility or of a corporation other than a public utility, violates or fails to comply with any provisions of this Act, or fails to observe, obey or comply with any order, decision, rule, regulation, direction or requirement, or any part or portion thereof, of the commission, made or issued under authority of this Act, or who procures, aids or abets any public utility in its violation of this Act or in its failure to obey, observe or comply with this Act or any such order, decision, rule, regulation, direction or requirement, or any part or portion thereof, in a case in which a penalty is not otherwise provided for in this Act, is guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

§ 78. ACTIONS TO RECOVER PENALTIES.] Except as otherwise provided in this Act, actions to recover penalties under this Act shall be brought in the name of the People of the State of Illinois in the circuit court in and for the county in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. Such action shall be commenced and prosecuted to final judgment by the counsel for the commission. In any such action, all penalties incurred up to the time of commencing the same may be sued for and recovered. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the State in

any such action shall be paid into the State treasury to the credit of the general fund. Any such action may be compromised or discontinued on application of the commission upon such terms as the court shall approve and order.

§ 79. DUTY OF COMMISSION TO PROSECUTE AND TO ENFORCE LAWS AFFECTING PUBLIC UTILITIES.] It is hereby made the duty of the commission to see that the provisions of the Constitution and statutes of this State affecting public utilities, the enforcement of which is not specifically vested in some other officer or tribunal, are enforced and obeyed, and that violations thereof are promptly prosecuted and penalties due the State therefor recovered and collected, and to this end it may sue in the name of the people of the State.

§ 80. CANCELLATION OF WAREHOUSE LICENSES.] The commission is hereby authorized to hear and determine all applications for the cancellation of warehouse licenses in this State which may be issued in pursuance of any laws of this State, and for that purpose to make and adopt such rules and regulations concerning such hearing and determination as may, from time to time, by it be deemed proper. And if, upon such hearing, it shall appear that any public warehouseman has been guilty of violating any law of this State concerning the business of public warehousemen, the commission may cancel and revoke the license of said public warehouseman, and immediately notify the officer who issued such license of such revocation and cancellation; and no person whose license as a public warehouseman shall be cancelled or revoked shall be entitled to another license or to carry on the business in this State of such public warehouseman until the expiration of six months from the date of such revocation and cancellation, and until he shall have again been licensed: *Provided*, that this section shall not be construed so as to prevent any such warehouseman from delivering any grain on hand at the time of such revocation or cancellation of his said license. And all licenses issued in violation of the provisions of this section shall be deemed null and void.

ARTICLE VI.

REPEAL—SAVING CLAUSE—CONSTRUCTION.

§ 81. ACTS REPEALED—TRANSFER AND CONTINUATION OF POWER.] An Act entitled, "An Act to establish a board of railroad and warehouse commissioners, and prescribe their powers and duties," approved April 13, 1871, in force July 1, 1871, together with the amendments thereto; and an Act entitled, "An Act defining and regulating express companies and carriers by express operating within the State of Illinois, declaring them to be common carriers and placing them under the jurisdiction and control of the Illinois Railroad and Warehouse Commission," approved June 9, 1911, in force July 1, 1911, are hereby repealed from and after the appointment of the State Public Utilities Commission herein created. Nothing in this Act shall be construed to repeal any other Act or part thereof conferring power on said Board of Railroad and Warehouse Commissioners except such as are in direct conflict herewith, but the rights, powers and duties conferred by law upon the Board

of Railroad and Warehouse Commissioners shall be continued in full force and transferred to the State Public Utilities Commission, it being the intent of this Act to substitute the State Public Utilities Commission for the said Board of Railroad and Warehouse Commissioners.

On or before November 1, 1913, the Board of Railroad and Warehouse Commissioners shall transfer and deliver to the State Public Utilities Commission, upon its demand in writing, all books, papers and records, furniture, equipment and supplies of whatever description in its possession; and the Public Utilities Commission shall take possession of all such books, papers and records, furniture, equipment and supplies.

§ 82. PENDING ACTIONS AND PROCEEDINGS.] This Act shall not affect pending actions or proceedings, civil or criminal, in any court, brought by or against the people of the State of Illinois or the Board of Railroad and Warehouse Commissioners or by any other person, firm or corporation under the provisions of the Acts establishing or conferring power on the Board of Railroad and Warehouse Commissioners, nor abate any causes of action arising thereunder, but the same may be instituted, prosecuted and defended with the same effect as though this Act had not been passed. Any investigation, hearing or proceeding, instituted or conducted by the Board of Railroad and Warehouse Commissioners prior to the taking effect of this Act may be conducted and continued to a final determination by the Public Utilities Commission with the same effect as if this Act had not been passed.

All findings, orders, decisions, rules and regulations issued or promulgated by the Board of Railroad and Warehouse Commissioners under the Acts established or conferring power on said board, shall continue in force and have the same effect as though this Act had not been passed; and the State Public Utilities Commission hereby created is empowered to enforce said findings, orders, decisions, rules and regulations in the same manner and under the same conditions as though said findings, orders, decisions, rules and regulations had been made, issued or promulgated by the State Public Utilities Commission.

§ 83. CONSTITUTIONALITY.] If any section, subdivision, sentence or clause of this Act is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act.

§ 84. ACT NOT APPLICABLE TO INTERSTATE COMMERCE.] Neither this Act nor any provision thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this Union, except when specifically so stated, and in so far as the same may be permitted under the provisions of the Constitution of the United States and Acts of Congress, and the decisions of the Supreme Court of the United States.

§ 85. TECHNICAL OMISSIONS NOT TO INVALIDATE ACTS OF COMMISSION.] A substantial compliance with the requirements of this Act shall be sufficient to give effect to all the acts, orders, decisions, rules and regulations of the commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.

§ 86. WHEN ACT TAKES EFFECT.] This Act shall take effect and be in force on and after the first day of January, 1914.

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APPROVED June 30, 1913.

RAILROADS.

HEADLIGHTS ON LOCOMOTIVE ENGINES.

§ 1. Headlights on locomotive engines— | § 2. Penalty for violations.
exception—specifications.

(SENATE BILL NO. 473. APPROVED JUNE 26, 1913.)

AN ACT *in relation to the equipment of locomotive engines with headlights and providing penalty for violation of same.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all common carriers by railroad, operating or doing business in this State, shall be required to equip and maintain and use on all locomotive engines used by them in passenger service, (except suburban passenger service) a headlight of sufficient candle power, measured with the aid of a reflector, to throw a light in clear weather that will enable the operator of same to plainly discern an object the size of a man, upon the track, at a distance of 800 feet from the headlight; and upon all locomotive engines used by them in freight service, exclusive of engines in switching, and transfer service, with a headlight of sufficient candle power, measured with the aid of a reflector to throw a light in clear weather that will enable the operator, of same, to plainly discern an object the size of a man upon the track, at a distance of 450 feet from the headlight; and upon all engines used by them in switching, transfer, and suburban passenger service, with a headlight of sufficient candle power, measured with the aid of a reflector, to throw a light, in clear weather that will enable the operator to plainly discern an object the size of a man upon the track, at a distance of 250 feet from the headlight: *Provided*, this Act shall not apply to any locomotive engines running between sun up and sundown, or to any locomotive engine, the equipment of which has failed during the trip, providing it is shown that the equipment was in efficient and effective working condition when the trip was begun.

§ 2. That any common carrier by railroad violating any of the provisions of this Act, shall be guilty of a misdemeanor and shall be subject to a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) for each offense.

APPROVED June 26, 1913.

INCORPORATION OF COMPANIES—RENEWAL AND EXTENSION, FEES, ETC.

§ 1. Amends section 5, Act of 1891.

§ 5. As amended, provides for payment of same fees as in the incorporation of a new company.

(SENATE BILL NO. 131. APPROVED JUNE 28, 1913.)

AN ACT to amend section 5 of an Act entitled, "An Act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same; for prescribing and defining the duties and limiting the powers of such corporations when so organized; and authorizing the same and all railroad companies of this State to own and hold the stock and securities of railroad companies of other states owning connecting lines," as amended by Act approved June 2, 1891, in force July 1, 1891, by providing for the extension of the term thereof; as amended by Act approved June 7, 1911, in force July 1, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 5 of "An Act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same; for prescribing and defining the duties and limiting the powers of such corporations when so organized; and authorizing the same and all railroad companies of this State to own and hold the stock and securities of railroad companies of other states owning connecting lines," as amended by Act approved June 2, 1891, in force July 1, 1891, by providing for the extension of the term thereof, as amended by Act approved June 7, 1911, in force July 1, 1911, be and the same is hereby amended to read as follows:

✓ § 5. No such corporation shall be formed to continue more than fifty years in the first instance, but any railroad company formed under any law of the State may be renewed from time to time, for periods not longer than fifty years: *Provided*, that three-fourths of the votes cast at any regular election for that purpose shall be in favor of such renewal, and those desiring a renewal shall agree to purchase the stock of those opposed thereto at its current value.

Whenever any such election is held by any railroad company, a certificate, showing the proceedings of the meeting and verified by the president or a vice president of the corporation and the secretary thereof, with the seal of the corporation, shall be filed with the Secretary of State within thirty days after the meeting, and upon the filing of such certificate and the payment of the same fees as is provided for in the incorporation of a new company, the duration of such corporation shall thereby be extended, in accordance with the vote of the stockholders, for an additional period not longer than fifty years: *Provided*, in case where such renewal is of any railroad company previously incorporated under a special Act of the Legislature, then such renewal and extension of such company shall be under and subject to all the provisions of the general laws of this State relating to railroads, and such company shall have such powers only as provided for in this Act.

APPROVED JUNE 28, 1913.

RATES FOR TRANSPORTATION OF PASSENGERS—ACT OF 1907 AMENDED.

§ 1. Amends section 1, Act of 1907.

[§ 1] As amended, provides any passenger under twelve without ticket may be charged $1\frac{1}{2}$ cents per mile.

(SENATE BILL NO. 534. APPROVED JUNE 27, 1913.)

AN ACT to amend section 1 of an Act entitled, "An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads in part or in whole in this State, and to provide penalties for the violation of the provisions thereof, and repealing all Acts and parts of Acts in conflict herewith," approved May 27, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an Act entitled, "An Act to establish and regulate the maximum rate of charge for the transportation of passengers by corporations or companies operating or controlling railroads in part or in whole in this State and to provide penalties for the violation of the provisions thereof, and repealing all Acts and parts of Acts in conflict herewith," approved May 27, 1907, in force July 1, 1907, is hereby amended to read as follows:

[§ 1.] That it shall hereafter be unlawful for any corporation or company engaged in the carriage of passengers upon any railroad between points in this State, to charge in excess of two (2) cents per mile for the carriage of adult passengers where any passenger has purchased a ticket entitling him to carriage, or in excess of one (1) cent per mile for the carriage of a passenger under twelve (12) years of age where such passenger has purchased a ticket entitling him to carriage: *Provided*, that the charge in no case shall be less than five cents (5c), and in determining the charge fractions of less than one-half ($\frac{1}{2}$) mile shall be disregarded and all other fractions counted as one (1) mile. If any adult passenger shall have failed to purchase a ticket entitling him to carriage, a rate of three (3) cents per mile may be charged and collected; and if any passenger under twelve (12) years of age shall have failed to purchase a ticket entitling him to carriage a rate of one and one-half ($1\frac{1}{2}$) cents per mile may be charged and collected.

APPROVED June 27, 1913.

SAFETY APPLIANCES.

§ 1. Appointment of inspectors—term—vacancies—eligibility.

§ 4. Duties of inspectors.

§ 3. Right of passing on trains—salary—office.

(SENATE BILL NO. 687. APPROVED JUNE 26, 1913.)

AN ACT to amend sections 1, 3 and 4 of an Act entitled, "An Act providing for the inspection of equipment and operation of safety appliances on railroads engaged in moving traffic between points in the State of Illinois."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That three inspectors of automatic

couplers, power brakes and grab irons or hand holds on railroad locomotives, tenders, cars and similar vehicles, shall be appointed by the Railroad and Warehouse Commissioners, within thirty days after this goes into effect, who shall hold office two years, unless sooner removed for cause, and until their successors are appointed and qualified. At any time a vacancy occurs in this office, the Railroad and Warehouse Commissioners shall immediately fill the vacancy by appointment.

No person is eligible to hold this office who is an officer or an employee of a railroad company, or owns or is interested, directly or indirectly, in the stock or bonds of any railroad company or who has not had at least seven years of practical experience on some line of railroad operated in the State of Illinois in one or more of the following capacities: Engineer, fireman, conductor, yardmaster, brakeman, train baggageman, switchman, car inspectors, or car repairers.

§ 3. Said inspectors shall have the right of passing in the performance of their respective duties, over all railroads and upon all railroad trains in this State, and over, upon or in all instrumentalities used by any common carrier in the transportation of persons or property between points wholly within the State of Illinois. Each inspector shall be paid a salary of fifteen hundred dollars (\$1,500.00) per year and necessary expenses, which shall be paid in the manner now provided by law for the salaries and expenses of the Railroad and Warehouse Commissioners. Said inspectors shall have their offices in the State House, in the office of the Railroad and Warehouse Commissioners, and shall be under the supervision of said commissioners.

§ 4. It shall be the duty of the said inspectors to inspect the surface and track conditions of train yards, sanitary condition of cars used in transporting persons between points in Illinois, and investigate train accidents resulting in injury to persons or property. Said inspectors shall inspect the couplers, power brakes, and grab irons or hand holds and other portions of cars and engines used by persons on the railroads engaged in moving traffic between points in Illinois, and shall make weekly reports of his inspections, reporting all conditions to the Railroad and Warehouse Commission.

APPROVED June 26, 1913.

REVENUE.

ASSESSORS IN COUNTIES OF 125,000 OR OVER—COMPENSATION.

§ 1. Amends section 3, Act of 1898.

§ 3. As amended, provides compensation of assessors shall be fixed by county board.

(SENATE BILL NO. 417. APPROVED JUNE 26, 1913.)

AN ACT to amend section 3 of an Act entitled, "An Act for the assessment of property and providing the means therefor and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section 3 of an Act entitled,

"An Act for the assessment of property and providing the means therefor and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898, be and the same is hereby amended so as to read as follows:

§ 3. In all counties of this State containing one hundred and twenty-five thousand or more inhabitants there is hereby created and established a board of assessors, consisting of five persons, not more than four of whom shall be residents of any one city, to be known as the board of assessors of said county. At the regular county election to be held in such county in the year 1898 for the election of county officers there shall be elected by the legal voters of said county five assessors, whose terms of office shall commence on the first day of January next ensuing, who shall hold their office, two for two years, two for four years, and one for six years, respectively, and until their successors are elected and qualified. And every two years thereafter, at the regular county election in said county for the election of county officers, there shall be elected an assessor, or two assessors, as the case may be, to succeed the assessor or assessors whose term of office shall expire that year, whose term of office shall commence on the first day of January next following, and shall be six years in duration and until his or their successors shall be elected and qualified. The assessors so elected shall qualify within ten days after the canvass of the vote is completed. Such assessors shall hold no other lucrative public office or public employment. Each of said assessors, before entering upon the duties of his office, shall take and subscribe the oath provided for in this Act. At the first meeting of the board of assessors they shall determine by lot which of them shall hold office for the respective terms. The chairman of the board shall be the person having the shortest term to serve. In the years when two persons shall be serving the shortest term it shall be determined by lot which of such two persons shall be chairman. Each assessor shall receive as compensation such sum as may be fixed by the county board, to be paid out of the county treasury.

In case of any vacancy in said board, or the failure of any person elected to that office to qualify, the board of review provided for in such counties may appoint a person to fill such vacancy until his successor shall be elected and shall qualify and an assessor to fill such vacancy shall be elected at the next regular county election.

Said board of assessors shall have power to employ a chief clerk, who shall have charge of the office of such board, and such other clerical help as may be necessary, subject to the approval of the board of review as to the number thereof, who shall hold office during the pleasure of the board, and who shall be present and in attendance at all proper business hours. Such chief clerk shall take and subscribe an oath of office that he will honestly and faithfully perform all duties of such office under the direction of said board, and he shall have power to administer all oaths authorized by law to be administered by assessors, and the compensation of such clerk shall be fixed by such board, subject to the approval of the board of review, not to exceed ten dollars per day, for each working day.

In all townships in such counties not lying wholly within the limits of one city, the township assessor shall be *ex officio* the deputy assessor to make the assessments in the township wherein he is elected: *Provided*, that if, in any such township, said township assessor shall not be able, by himself alone, within the time allowed by law to make the assessment of said township, then any additional deputy assessor or deputy assessors required to make such assessment, shall be residents and legal voters of such township, and shall be nominated by the board of auditors of such township, and appointed by the board of assessors only upon such nomination, and deputy assessors so appointed shall act under the supervision of the *ex officio* deputy town assessors:

APPROVED June 26, 1913.

EXEMPTION OF PROPERTY FROM TAXATION.

§ 1. Amends section 2, Act of 1872.

§ 2. As amended, ninth paragraph includes all works, machinery and fixtures of drainage districts, etc.

[§ 2.] Emergency.

(HOUSE BILL NO. 443. APPROVED JUNE 26, 1913.)

AN ACT amending section 2 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, as amended by Act approved June 16, 1909, in force July 1, 1909.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 2 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, as amended by Act approved June 16, 1909, in force July 1, 1909, be, and the same is hereby amended to read as follows:

§ 2. All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say:

First—All lands donated by the United States for school purposes, not sold or leased; all property of schools, including the real estate on which the schools are located, not leased by such schools or otherwise used with a view to profit.

Second—All property used exclusively for religious purposes, or used exclusively for school and religious purposes and not leased or otherwise used with a view to profit.

Third—All lands used exclusively as grave yards or grounds for burying the dead.

Fourth—All unentered government lands; all public buildings or structures of whatsoever kind, and the contents thereof, and the land on which the same are located belonging to the United States.

Fifth—All property of every kind belonging to the State of Illinois.

Sixth—All property belonging to any county, town, village or city used exclusively for the maintenance of the poor; all swamp or overflowed lands belonging to any county, so long as the same remain unsold

by such county; all public buildings belonging to any county, township, city or incorporated town, with the ground on which such buildings are erected, not exceeding in any case ten acres.

Seventh—All property of institutions of public charity, when actually and exclusively used for such charitable purposes, not leased or otherwise used with a view to profit; and all free public libraries.

Eighth—All fire engines or other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and the lot of reasonable size on which the building is located, when belonging to any city, village or town.

Ninth—All market houses, public squares or other public grounds used exclusively for public purposes; all works, machinery and fixtures belonging exclusively to any town, village or city, used exclusively for conveying water to such town, village or city; all works, machinery and fixtures of drainage districts, when used exclusively for pumping water from the ditches and drains of such district for drainage purposes.

Tenth—All property which may be used exclusively by societies for agricultural, horticultural, mechanical and philosophical purposes, and not for pecuniary profit.

[§ 2.] WHEREAS, Assessments are required to be made between the first day of May and the first day of July, A. D. 1913, therefore an emergency exists, and this Act shall take effect and be in force from and after its passage.

APPROVED June 26, 1913.

GENERAL LEVY FOR STATE PURPOSES.

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| § 1. "Revenue fund," \$10,600,000 per annum;
"State school fund," \$3,000,000 per annum
in lieu of two mill tax. | § 2. Computation and certification of tax rate. |
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(HOUSE BILL NO. 912. APPROVED JUNE 27, 1913.)

AN ACT to provide for the necessary revenue for State purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be raised, by levying a tax by valuation upon the assessed taxable property of the State, the following sums for the purposes hereinafter set forth:

For general State purposes, to be designated "revenue fund," the sum of ten million, six hundred thousand dollars (\$10,600,000) upon the assessed value of the property for the year A. D. 1913; ten million, six hundred thousand dollars (\$10,600,000) upon the assessed value of property for the year A. D. 1914; and for State school purposes, to be designated "State school fund," the sum of three million dollars (\$3,000,000) upon the assessed taxable property for the year A. D. 1913, and the sum of three million dollars (\$3,000,000) upon the assessed taxable property for the year A. D. 1914, in lieu of the two mill tax.

§ 2. The Governor, the Auditor and Treasurer shall annually compute the several rates per cent required to produce not less than the above amounts, anything in any other Act providing a different manner of

ascertaining the amount of revenue required to be levied for State purposes to the contrary notwithstanding; and when so ascertained, the Auditor shall certify to the county clerk the proper rates per cent therefor, and also such definite rates for other purposes as are now or may hereafter be provided by law, to be levied and collected as State taxes, and all other laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED June 27, 1913.

GIFTS, LEGACIES, INHERITANCES, ETC.—ACT OF 1909 AMENDED.

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| <p>§ 1. Amends sections 11, 12, 16 and 17, Act of 1909.</p> <p>§ 11. Appraisement of property—how made.</p> <p>§ 12. Fees of county clerks—inheritance tax attorney and clerk.</p> | <p>§ 16. Attorney General to prosecute collection of tax, etc.</p> <p>§ 17. County judge, county clerk and county treasurer to make quarterly statements—proviso.</p> <p>§ 2. Repeals section 18, Act of 1909.</p> |
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(HOUSE BILL NO. 900. APPROVED JUNE 28, 1913.)

AN ACT to amend sections 11, 12, 16 and 17 of an Act entitled, "An Act to tax gifts, legacies, inheritances, transfers, appointments and interests in certain cases and to provide for the collection of the same, and repealing certain Acts therein named," approved June 14, 1909, in force July 1, 1909, and to repeal section 18 of said Act.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 11, 12, 16 and 17 of an Act entitled, "An Act to tax gifts, legacies, inheritances, transfers, appointments and interests in certain cases and to provide for the collection of the same, and repealing certain Acts therein named," approved June 14, 1909, in force July 1, 1909, be and the same are hereby amended so as to read as follows:

§ 11. It shall be the duty of the county judge to ascertain whether any transfer of any property be subject to an inheritance tax under the provisions of this Act, and, if it be subject to such inheritance tax, to assess and fix the then cash value of all estates, annuities and life estates or terms of years growing out of said estates and the tax to which the same is liable. The county judge, upon the application of any interested party, including the Attorney General, or upon his own motion as often as, or whenever occasion may require, may hear evidence and determine the fair cash value of such estate and the amount of inheritance tax to which the same is liable or the county judge may, in such case, in his discretion, where the facts are complicated and evidence is voluminous, appoint some competent person as appraiser to appraise the fair cash value at the time of the transfer thereof of the property of persons whose estates shall be subject to the payment of any inheritance tax imposed by this Act. Whether the fair cash value of such estate shall be ascertained and determined by the appraiser appointed by the county

judge or by the county judge, notice shall, in each case, be given by mail to all persons known to have a [or] claim an interest in such property, including the Attorney General, and to such persons as the county judge by order directs, of the time and place he will appraise such property. *Provided*, that in counties of the third class, because of the volume of general business transacted in the county courts of such counties, the county judge in such counties of the third class may, in his discretion, appoint appraisers in any and all cases. In case an appeal is taken to the county court, it shall be the duty of the county clerk, within two days after such appeal shall have been perfected, to notify in writing the Attorney General and county treasurer. Within five days after the judgment of the county court shall be entered on appeal, it shall be the duty of the county clerk to make and transmit a certified copy of such judgment to the Attorney General and county treasurer. Persons of full age and *sui juris* may, in writing, waive such notice, and consent to an immediate hearing by the county judge or the appraiser, as the case may be.

Both the appraiser and the county judge are hereby authorized and empowered to use subpoenas for and to compel the attendance of witnesses before them, respectively, and to take the evidence of such witnesses under oath. Any persons who shall be served with a subpoena to appear and testify or to produce books and papers, issued either by the county judge or by the appraiser, and who shall refuse or neglect to appear or testify or to produce books and papers relevant to such assessment, as commanded in such subpoena, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not less than ten dollars nor more than twenty-five dollars for each offense. Any circuit court or judge thereof, either in term time or vacation, upon application of the county judge or appraiser, as the case may be, may, in its or his discretion, compel the attendance of witnesses, the production of books and papers, and giving of testimony before such county judge or appraiser, as the case may be, by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before said court. When the evidence is taken by an appraiser, he shall make a report thereof and of such value in writing to said county judge, with the depositions of the witnesses examined and such other facts in relation thereto, and to said matters as said county judge may by order require. The order of the county judge assessing and fixing an inheritance tax, together with the report, if any, of appraiser appointed by such county judge, shall be filed in the office of the county clerk. It shall be the duty of the county clerk, within five days after the filing of such order assessing and fixing the inheritance tax, to make and transmit a certified copy of such order to the Attorney General and to the county treasurer of the county in which such assessment is had, and, also, to give notice by mail to all parties known to be interested in such estate, substantially in such form as may be prescribed and furnished to the county clerk by the Attorney General.

Any person or persons, including the Attorney General, dissatisfied with the appraisement or assessment, may appeal therefrom to the county

court of the proper county within sixty days after the making and filing of such assessment order on paying or giving to the county judge security satisfactory to pay all costs, together with whatever taxes shall be fixed by the court: *Provided*, no bond or security shall be required of the Attorney General.

The said appraiser shall be paid by the county treasurer out of any funds he may have in his hands on account of the inheritance tax collected in said appraisement, as by law provided, on the certificate of the county judge, such compensation as such judge may deem just for said appraiser's services as such appraiser, not to exceed ten dollars (\$10.00) per day for each [day] actually and necessarily employed in such appraisement and not to exceed fifteen per cent of the aggregate amount of tax levied and assessed by the county judge: *Provided*, such appraiser shall in no case receive less than ten dollars (\$10.00).

Such appraiser shall, also, be entitled to receive his actual and necessary traveling expenses and disbursements, including witness fees paid by him, if any, such expenses and disbursements to be paid by the county treasurer on the order of the county judge, out of the inheritance tax collected in such appraisement.

It shall be the duty of the Attorney General to exercise general supervision over the assessment and collection of the inheritance tax provided in this Act, and in the discharge of such duty, the Attorney General may institute and prosecute such suits and proceedings as may be necessary and proper, appearing therein for such purpose; and it shall be the duty of the several State's attorneys to render assistance therein when requested by the Attorney General so to do.

§ 12. The fees of the clerk of the county court in inheritance tax matters in the respective counties of this State, as classified in the Act concerning fees and salaries, shall be as follows: ..

In counties of the first and second class, for services in all proceedings in each estate before the county judge the clerk shall receive a fee of five dollars. In all such proceedings in counties of the third class, the clerk shall receive a fee of ten dollars. Such fees shall be paid by the county treasurer, on the certificate of the county judge, out of any money in his hands, on account of said tax. In counties of the third class, the Attorney General shall designate an assistant or assistants Attorney General, whose special duty it shall be to attend to all matters pertaining to the enforcement of this Act in respect to the appraisement, assessment and collection of the inheritance tax in such counties. In counties of the third class, the clerk of the county court may appoint a clerk in the office of the clerk of said court, to be known as the "inheritance tax clerk," whose compensation shall be fixed by the county judge, not to exceed fifteen hundred dollars per year, and not to exceed the fee earned in said office in inheritance tax matters, the surplus of such fees over said compensation so fixed to be turned into the county treasury. In addition to the above, the clerk of the county court shall be entitled, in all suits brought for the collection of delinquent inheritance tax, and all contested inheritance tax cases appealed from the county judge to the county court, and in all appeals from the county court to the Supreme Court,

the same fees as are now, or which may hereafter be, allowed by law in suits at law, or in the matter of appeals at law, to or from the county court, which fees shall be taxed as costs and paid as in other cases at law; and in all cases arising under this Act, including certified copies of documents or records in his office, for which no specific fees are provided, the clerk of the county court shall charge against and collect from the persons applying for, or entitled to such services, or certified copies, the same fees as are now, or which may hereafter be, allowed for similar services or certified copies in said court, and for recording inheritance tax receipts required to be recorded in his office, he shall receive the same fees which now are or hereafter may be allowed by law to the recorder of deeds for recording similar instruments.

§ 16. Whenever it appears that any tax is due and unpaid under this Act, and the persons, institutions or corporations liable for said tax have refused or neglected to pay the same, it shall be the duty of the Attorney General, if he has proper cause to believe a tax is due and unpaid, to prosecute the collection of the same by a bill in chancery, filed in the name of the People of the State of Illinois, to enforce the lien of the inheritance tax, or, if there be grounds for the same, to secure an injunction against the transfer and delivery or other disposition of property subject to the lien for the payment of the inheritance tax, and the county courts are invested with full jurisdiction to hear and determine such suits. The process, practice and proceedings shall be the same as in cases in chancery, except that the answer of the defendant need not be under oath.

In addition to the remedy hereinabove provided, any inheritance tax due and unpaid may be recovered in an action of assumpsit brought by the Attorney General, in the name of the People of the State of Illinois, against any person liable for such tax and the Attorney General is hereby authorized to bring such action in any court having jurisdiction.

§ 17. The county judge and county clerk of each county shall, every three months, make a statement, in writing, to the county treasurer of the county of the property from which or the party from whom he has reason to believe a tax under this Act is due and unpaid.

It shall be the duty of the county treasurer on the first day of January, April, July and October of each year to make and transmit to the Attorney General a statement of the inheritance tax due and unpaid in all estates in which the county judge, or county court, as the case may be, has levied and assessed such tax as the same appears from the certified copy of the orders of the county judge, or the certified copy of the judgment of the county court assessing and fixing such tax on file in his office: *Provided*, in case an appeal shall be taken from the county judge to the county court in any case, such statement shall not include the estate in which such appeal is pending and undisposed of.

§ 2. That section 18 of said Act entitled, "An Act to tax gifts, legacies, inheritances, transfers, appointments and interests in certain cases and to provide for the collection of the same, and repealing certain Acts therein named," approved June 14, 1909, in force July 1, 1909, be and the same is hereby repealed.

APPROVED June 28, 1913.

LEVY AND EXTENSION OF TAXES—LIMITATION.

§ 1. Amends section 2, Act of 1901, as amended in 1905 and 1909.

§ 2. County clerk to ascertain rates—aggregate not to exceed three per cent with certain taxes excluded—reductions—exceptions.

(SENATE BILL NO. 214. APPROVED MAY 20, 1913.)

AN ACT to amend section 2 of an Act entitled, "An Act concerning the levy and extension of taxes," approved May 9, 1901, in force July 1, 1901, as amended by an Act approved March 29, 1905, in force July 1, 1905, as amended by an Act approved June 14, 1909, in force July 1, 1909.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 2 of an Act entitled, "An Act concerning the levy and extension of taxes," approved May 9, 1901, in force July 1, 1901, as amended by an Act approved March 29, 1905, in force July 1, 1905, as amended by an Act approved June 14, 1909, in force July 1, 1909, be and the same is hereby amended to read as follows:

§ 2. The county clerk in each county shall ascertain the rates per cent required to be extended upon the assessed valuation of the taxable property in the respective towns, townships, districts, incorporated cities and villages in his county, as equalized by the State Board of Equalization for the current year, to produce the several amounts certified for extension by the taxing authorities in said county (as the same shall have been reduced as hereinbefore provided in all cases where the original amounts exceed the amount authorized by law): *Provided, however,* that if the aggregate of all the taxes (exclusive of State taxes, village taxes, levee taxes, school building taxes, high school taxes, district school taxes and all other school taxes in school districts having not more than 100,000 inhabitants, road and bridge taxes, and for a period of three (3) years beginning with the year 1913 taxes levied for the payment of the principal of and the interest on bonded indebtedness of cities, and exclusive of taxes levied pursuant to the mandate or judgment of any court of record on any bonded indebtedness), certified to be extended against any property in any part of any taxing district or municipality, shall exceed three per cent of the assessed valuation thereof upon which the taxes are required to be extended, the rate per cent of the tax levy of such taxing district or municipality shall be reduced as follows: The county clerk shall reduce the rate per cent of the tax levy of such taxing district or municipality in the same proportion in which it would be necessary to reduce the highest aggregate per cent of all the tax levies (exclusive of State taxes, village taxes, levee taxes, school building taxes, high school taxes, district school taxes and all other school taxes in school districts having not more than 100,000 inhabitants, road and bridge taxes, and for a period of three (3) years beginning with the year 1913 taxes levied for the payment of the principal of and the interest on bonded indebtedness of cities, and exclusive of taxes levied pursuant to the mandate or judgment of any court of record

on any bonded indebtedness), certified for extension upon any of the taxable property in said taxing district or municipality, to bring the same down to three per cent of the assessed value of said taxable property upon which said taxes are required by law to be extended: *Provided, further,* that in reducing tax levies hereunder the rate per cent of the tax levy for county purposes in counties having a population of over 300,000 shall not be reduced below a rate of forty cents on each one hundred dollars assessed value, and in counties having a population of less than 300,000 the rate of the tax levy for county purposes shall not be reduced below a rate of forty-five cents on each one hundred dollars assessed value, and the rate per cent of the tax levy for city or village purposes (exclusive of library, school and park purposes and for a period of three (3) years beginning with the year 1913 exclusive of the taxes levied for the payment of the principal of and the interest on bonded indebtedness) in cities and villages having a population of over 150,000 shall not be reduced below a rate of one dollar and ten cents on each one hundred dollars assessed value, and the rate per cent of the school tax for educational purposes shall not be reduced below a rate of one dollar and five cents on each one hundred dollars assessed value, and the rate per cent of the tax levy for city or village purposes (exclusive of library, school and park purposes, and exclusive of the taxes levied for the payment of the principal of and the interest on bonded indebtedness) in cities and villages having a population of less than 150,000 shall not be reduced below a rate of one dollar and twenty cents on each one hundred dollars assessed value, and the rate per cent of the school tax levy for educational purposes shall not be reduced below a rate of one dollar and fifty cents on each one hundred dollars assessed value, but the other taxes which are subject to reduction under this section shall be subject only to such reduction respectively, as would be made therein under this section if this proviso were not inserted herein: *And, provided, further,* in reducing tax levies hereunder all school taxes levied in cities exceeding 150,000 inhabitants, with the exception of the levy for school building purposes, shall be included in the taxes to be reduced.

The rate per cent of the tax levy of every county, city, village, town, township, park district, sanitary district, road district, and other public authorities (except the State), shall be ascertained and determined (and reduced when necessary as above provided), in the manner hereinbefore specified, and shall then be extended by the county clerk upon the assessed value of the property subject thereto (being one-third of the full value thereof) as equalized according to law. In reducing the rate per cent of any tax levy, as hereinbefore provided, the rates per cent of all tax levies certified to the county clerk for extension as originally ascertained and determined under section one of this Act, shall be used in ascertaining the aggregate of all taxes certified to be extended without regard to any reductions made therein under this section: *Provided,* that no reduction of any tax levy made hereunder shall diminish any amount appropriated by corporate or taxing authorities for the payment of the principal or interest on bonded debt, or levied pursuant to

the mandate or judgment of any court of record. And to that end every such taxing body shall certify to the county clerk with its tax levy, the amount thereof required for any such purposes.

In case of a reduction hereunder any taxing body whose levy is affected thereby and whose appropriations are required by law to be itemized, may, after the same have been ascertained, distribute the amount of such reduction among the items of its appropriations, with the exceptions aforesaid, as it may elect. If no such election be made within three months after the extension of such tax, all such items, except as above specified, shall be deemed to be reduced *pro rata*.

APPROVED May 20, 1913.

TAX DEEDS FOR LANDS OR LOTS—CONDITIONS.

§ 1. Amends section 216, Act of 1872.

§ 216. As amended, adds proviso concerning notice of publication and affidavit, etc.

(SENATE BILL NO. 583. APPROVED JUNE 26, 1913.)

AN ACT to amend section 216 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, as amended by subsequent Acts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 216 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, as amended by subsequent Acts, be, and the same it [is] hereby amended so as to read as follows:

§ 216. Hereafter no purchaser or assignee of such purchaser of any land, town or city lots at any sale of lands, or lots, for taxes or special assessments, due either to the State or county, or incorporated town or city within the same, or at any sale for taxes or levies otherwise, by the laws of this State, shall be entitled to a deed for lands or lots so purchased, until the following conditions have been complied [complied] with, to wit: Such purchaser, or assignee shall serve or cause to be served a written or printed, or partly written or partly printed notice of such purchase on every person in actual possession or occupancy of such land or lot; also upon the person in whose name the same was taxed or especially assessed, if, upon diligent inquiry, he or she can be found in the county, also, the owners of or parties interested in said land or lot, including trustees or mortgages of record, if they can upon diligent inquiry be found in the county, at least three months before the expiration of the time of the redemption on such sale, in which notice he shall state when he purchased the land or lot, in whose name taxed, the description of the land or lot he has purchased; for what year taxed or specially assessed, and when the time of redemption will expire.

If no person is in possession or occupancy of such land or lot, and the person, in whose name the same was taxed or especially assessed, upon diligent inquiry, cannot be found in the county, or said owners of, or

parties interested in said land or lot upon diligent inquiry cannot be found in the county, then such person, or his assignee shall publish such notice in some newspaper printed and published in such county, and if no newspaper is printed in said county, then in the newspaper that is published in this State nearest the county seat of the county in which such land or lot is situated, which notice shall be inserted three times, the first time not more than five months, and the last time not less than three months, before the time of redemption shall expire: *Provided, however*, that if said owners of said land or lot, or said parties interested therein, cannot be found in the county and the person in actual occupancy is tenant to, or is in possession under said owner or said party interested therein, then service of said notice upon said tenant or occupant shall be deemed service upon said owner or party interested: *Provided, however*, that if the said owners or parties interested are unknown to such purchaser or his assignee, then the said publication, as to them, may be to the unknown owner or parties interested as aforesaid: *And, provided, further*, that said notice of publication shall include not to exceed one lot, block, tract or piece of land as listed, assessed and sold in one description, except in cases where more than one lot, block, tract or piece of land is owned by one party or person, in which case all the lots, blocks, or tracts owned by such persons may be included in one notice. When any person who, by the terms of this section, is entitled to be served with notice cannot, upon diligent inquiry be found, the affidavit in the preceding section provided for shall set forth particularly the inquiries made, of whom made, and when and where made.

APPROVED June 26, 1913.

ROADS AND BRIDGES.

ACT REVISING THE LAW IN RELATION TO ROADS AND BRIDGES.

Article 1. Definitions.

Article 2. (§§ 2-7). State Highway Department.

Article 3. (§ 8). County superintendents of highways.

Article 4. (§§ 9-33). State aid.

Article 5. (§§ 34-39). Bridges and improvements constructed and repaired by a county at the joint expense of a county and any town or road district therein.

Article 6. (§§ 40-129). Town and district organization and administration for highway purposes.

Subdivision 1. (§§ 40-41). Organization: Division into towns and districts.

Subdivision 2. (§§ 42-54). Highway officers: Their election, powers, duties and compensation.

Subdivision 3. (§§ 55-62). The raising of revenue for highway purposes and the application thereof.

ACT REVISING THE LAW IN RELATION TO ROADS AND BRIDGES—*Concluded.*

Subdivision 4. (§§ 63-67). Provisions specially applicable to bridges and improvements constructed or repaired at the joint expense of two adjoining towns or districts.

Subdivision 5. (§§ 67-72). The letting of contracts.

Subdivision 6. (§§ 73-104). Laying out, altering, vacating, widening roads.

Subdivision 7. (§§ 105-107). Repair and maintenance of roads and bridges.

Subdivision 8. (§§ 108-129). Gravel, rock and macadam—hard roads.

Article 7. (§§ 130-138). Certain provisions applicable generally to highway officials.

Article 8. (§§ 139-157). Law of the road: Offenses and penalties.

Article 9. (§§ 158-167). Optional—single highway commissioner system provided for.

Article 10. (§§ 168-169). Act construed—statutes repealed.

(HOUSE BILL NO. 843. APPROVED JUNE 27, 1913.)

AN ACT to revise the law in relation to roads and bridges.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the laws relating to roads and bridges be and they hereby are codified, revised and amended, with articles, subdivisions, and sections entitled, numbered and to read as follows:

ARTICLE I.

DEFINITIONS.

SECTION 1 (a). STATE ROAD AND BRIDGE FUND.] That the term "State Road and Bridge Fund," when used herein, shall mean all moneys appropriated by the State of Illinois for road and bridge purposes.

(b) STATE AID ROADS.] The term "State Aid Roads" herein shall mean all roads or bridges constructed, repaired or improved at the joint expense of the State and any county or counties within the State as hereinafter specified.

ARTICLE II.

STATE HIGHWAY DEPARTMENT.

§ 2. STATE HIGHWAY DEPARTMENT—(A) ESTABLISHED.] There is hereby created a department, to be known as the State Highway Department, the officers of which shall consist of the members of the State Highway Commission, the Chief State Highway Engineer, the Assistant State Highway Engineer and the various subordinate officers hereinafter specified and set forth.

(B) OFFICES.] The Secretary of State shall provide for the State Highway Department suitably furnished offices in the capitol building at Springfield and shall provide therefor suitable blanks, stationery, printed matter and other office supplies.

§ 3. STATE HIGHWAY COMMISSION—(A) OFFICE CREATED.] The Governor shall, by and with the advice and consent of the Senate, within thirty days after this Act shall take effect, appoint three State highway commissioners (no more than two of said persons shall belong to or be affiliated with the same political party, nor shall they be actively engaged in any other business, occupation or profession, but shall devote all their

time to the work of said commission), to hold office one for two years, one for four years and one for six years, from and after the date of their appointment and qualification and until their respective successors are appointed and qualified, and they shall constitute and be known as the "State Highway Commission." And on the first day of March, 1916, and at the end of every two years thereafter, the Governor shall, in like manner and by and with the advice and consent of the Senate, appoint one person as the successor of the commissioner whose term shall have then expired, to serve as such commissioner for the term of six years and until his successor is appointed and qualified. One person appointed on the board shall be, and shall be designated in the appointment, the president, who shall be the executive officer of the board. Two of said commissioners shall constitute a quorum.

(B) OATH—BOND.] The members of the said State Highway Commission before entering upon the duties of their office, shall take the oath prescribed by the Constitution of this State for State officers, and said oath shall be filed in the office of the Secretary of State. They shall also execute a good and sufficient bond to the State in the sum of not less than \$10,000.00 each, conditioned upon the faithful performance of their duties, said bond to be approved by the Governor, and then filed with the Secretary of State.

(C) SALARY—EXPENSES.] The said State Highway Commissioners shall each receive an annual salary of three thousand five hundred dollars (\$3,500.00), and in addition thereto they shall be allowed their actual and necessary traveling expenses incurred in attending to official business. Said commissioners may also incur necessary expenses for clerk hire and other incidental expenses, proper and necessary for the carrying out the provisions of this Act, as well as for the general purposes hereinafter indicated.

(D) GENERAL POWERS AND DUTIES.] The commission provided for herein shall:

(1) Have general supervision of highways and bridges which are constructed, improved or maintained in whole or in part by the aid of State moneys.

(2) Prescribe rules and regulations not inconsistent with law, fixing the duties of all persons employed in the State Highway Department and the various county superintendents of highways. Such rules and regulations shall, before taking effect, be printed and transmitted to the highway officials affected thereby.

(3) Aid county superintendents of highways and town and district commissioners of highways in establishing grades, preparing suitable systems of drainage and advise them as to the construction, improvement and maintenance of highways and bridges.

(4) Employ such clerical and other assistants as they may deem necessary to properly carry on the work of their office.

(5) Cause plans, specifications and estimates to be prepared for the repair and improvement of highways and the construction and repair of bridges when requested so to do by a county superintendent of highways or by a highway commissioner of any town or road district therein.

(6) Investigate and determine upon the various methods of road and bridge construction adapted to different sections of the State and as to the best methods of construction and maintenance of highways and bridges.

(7) Compile statistics relating to public highways throughout the State and collect such information in regard thereto as they shall deem expedient.

(8) Aid at all times in promoting highway improvement throughout the State and perform such other duties and have such other powers in respect to highways and bridges as may be imposed or conferred upon them by law.

(9) Approve and determine the final plans, specifications and estimates for all State aid roads upon the receipt of the report of the plans, specifications and estimates of the State Highway Engineer as provided herein.

(10) Let all contracts for the construction or improvement of State aid roads.

(11) Prescribe a system of auditing and accounting for all road and bridge moneys for the use of all highway officials, which system shall be as nearly uniform as practically possible.

(12) Perform all other duties prescribed in this Act or reasonably inferable therefrom.

§ 4. STATE HIGHWAY ENGINEER—(A) APPOINTMENT.] As soon as practicable after the taking effect of this Act, the Governor shall appoint a Chief State Highway Engineer and an assistant State highway engineer who shall each be competent civil engineers, and experienced and skillful in highway construction and maintenance. The said chief State Highway Engineer shall receive a salary of four thousand dollars (\$4,000) per annum, and the assistant chief State highway engineer shall receive a salary of twenty-five hundred dollars (\$2,500) per annum, and, in addition thereto, they shall be allowed their actual traveling and other expenses incurred under the provisions of this Act. They shall each hold office for the period of six years and until their respective successors are appointed and qualified.

(B) OATH—BOND.] Said Chief State Highway Engineer and his assistant, before entering upon the duties of their respective offices, shall each take the oath prescribed by the Constitution of this State for State officers and said oath shall be filed in the office of the Secretary of State.

If demanded by the Governor, the said Chief State Highway Engineer and his assistant shall be required to execute a good and sufficient bond in such sum as the Governor shall prescribe, conditioned upon the faithful performance of their duties, said bond to be approved by the Governor and then filed with the Secretary of State.

(C) POWERS AND DUTIES.] The said Chief State Highway Engineer and the said assistant State highway engineer shall be the administrative and technical agents of the State Highway Commission, and shall be generally subject to the orders of the said State Highway Commission. The said Chief State Highway Engineer and the assist-

ant aforesaid may at all reasonable times be consulted by county, township or road district officers having authority over roads and bridges relative to any question involving such highways and bridges.

§ 5. CIVIL SERVICE.] With the exception of the State Highway Commission, the Chief State Highway Engineer and the assistant State highway engineer, the appointment of all assistant agents or clerks or other employees of the State Highway Department shall be subject to the laws of this State relating to the civil service.

§ 6. REMOVAL FROM OFFICE—VACANCY.] The Governor shall have the power to remove the State Highway Commission, the State Highway Engineer and the assistant State highway engineer from their respective offices for incompetency, neglect of duty or malfeasance in office. In case of a vacancy in either of said offices the said vacancy shall be filled by appointment by the Governor by and with the advice and consent of the Senate. When the Senate is not in session, the Governor may make an appointment to fill a vacancy, but any appointment made when the Senate is not in session shall be subject to confirmation by the Senate at its next session before becoming permanent.

§ 7. DUTIES OF PRESENT STATE HIGHWAY COMMISSION TERMINATED.] Upon the appointment of a State Highway Commission, under the provisions of this Act, the present State Highway Commission shall terminate and the members thereof shall turn over all books, maps, papers, plans and other things pertaining to their office to the State Highway Commission herein provided for.

ARTICLE III.

COUNTY SUPERINTENDENTS OF HIGHWAYS.

§ 8. COUNTY SUPERINTENDENTS OF HIGHWAYS — (A) APPOINTMENT.] In each and every county of the State there shall be a county superintendent of highways to be appointed in the manner following: Within ninety days after this Act shall become effective, the county board of each county shall submit to the State Highway Commission a list of from three to five persons, residents of the county, considered desirable candidates for the office of county superintendent of highways. The State commission shall thereupon determine by competitive examination from among the names submitted, the person or persons best fitted for said office, and shall thereupon certify the same to the county board submitting such list, who shall then make an order appointing, from the number found eligible, one such person superintendent of highways for such county: *Provided, however,* that if on the list submitted there is found no person qualified for the position the county board shall in like manner submit a further list and if on this second list no one is found qualified the county board may employ some person other than a resident of the county and who has passed satisfactorily the examination presented by the State Highway Commission. No part of any moneys appropriated by the State for the building and maintaining of State aid roads shall be apportioned to any county until such county superintendent of highways shall have been appointed.

(B) TERM OF OFFICE—SALARY.] The term of office of each county superintendent of highways shall be six years and until his successor is duly appointed and qualified. He shall receive a salary payable out of the general funds of the county in a sum to be fixed by the county board.

(C) REMOVAL.] Any county superintendent of highways may be removed from office by the county board of his county for incompetence, neglect of duty or malfeasance in office.

(D) POWERS AND DUTIES.] The county superintendent of highways shall, subject to the rules and regulations of the State Highway Commission:

(1) Prepare plans, specifications and estimates for all bridges to be built by the county. Such plans and specifications, before being finally adopted, shall be submitted to the State Highway Commission and approved by them.

(2) Act for the county in all matters relating to the supervision of the construction and maintenance of any road or bridge constructed or maintained at the entire expense of the county or at the joint expense of the county and any town or road district therein, as hereinafter set forth.

(3) Visit and inspect the highways and bridges in each town or district of his county, at least once in each year and whenever directed so to do by the State Highway Commission, or the State Highway Engineer, and advise and direct the highway commissioners of the several towns or districts in his county as to the best methods of repair, maintenance and improvement of highways and bridges.

(4) Subject to the direction of the State Highway Commission, to supervise the repair and maintenance of all State aid roads within his county.

(5) Keep a record of all contracts or purchases of materials, machinery or apparatus to be used in road construction in excess of two hundred dollars (\$200) approved by him in any town or district as hereinafter provided.

(6) Perform such other duties as may be prescribed by law, the rules and regulations of the State Highway Commission or the direction of the State Highway Engineer in conformity thereto. Other than as above specifically indicated, the county superintendent of highways shall, to all intents and purposes, be regarded as a deputy to the State Highway Engineer: *Provided, however*, that no county superintendent of highways shall be required, without his consent, and the consent of the board of supervisors, or the board of county commissioners, of the county in whose employ he is to perform services in any other county.

(E) VACANCY.] In case the office of county superintendent of highways in any county shall at any time be vacant, and a temporary emergency shall arise requiring that some duly qualified official perform the duties of said office, then the State Highway Commission may designate any competent person to perform the duties of such office during the existence of such temporary emergency.

ARTICLE IV.

STATE AID.

§ 9. STATE AID AUTHORIZED.] Public highways, or sections thereof, including bridges therein, may be laid out, improved, or constructed at the joint expense of the State and any county within the State as hereinafter provided. In such case the State shall contribute one-half the expense thereof and the county, or counties, through which the said highway or portion thereof passes shall contribute the remaining one-half. Such highways hereinafter known as "State Aid Roads" may be laid out, constructed or improved in the manner hereinafter directed: *Provided, however*, that no road or part thereof lying within the corporate limits of any city or village within this State shall be improved or constructed with State aid.

§ 10. At their next regular or special meeting following the passage of this Act it shall be the duty of the supervisors in counties under township organization, or the board of county commissioners in counties not under township organization, to designate those public highways within their respective counties that shall come under the provisions of this Act. The highways to be designated by the county boards shall be as nearly as possible those highways connecting the principal cities and trading points in each county with each other, and also with the principal cities and trading points in other counties.

§ 11. Such highways shall not include any portion of a public highway within the corporate limits of any city or village; nor shall the total mileage of such highways in any county exceed, in counties of the first class, more than fifteen per centum of the total public road mileage of that county, nor exceed twenty per centum of the public road mileage in counties of the second class, and shall not exceed twenty-five per centum of the public road mileage in counties of the third class. By public roads it is understood to mean all public roads within the State except those within the limits of incorporated cities and villages; the public road mileage of the counties to be that as determined and published by the State Highway Commission.

§ 12. The county boards shall indicate the highways selected as aforesaid by marking them upon some map which shows the public roads and section lines in the county, and for this purpose existing atlas maps may be used, provided the roads selected are plainly marked thereon.

After the county boards have so selected the highways within their respective counties as aforesaid, and indicated the same on a map of the county, it shall be the duty of the county clerk immediately to forward said map, with his signature thereon attesting to the validity of the same, to the State Highway Commission. The State Highway Commission shall examine the map with the roads located thereon, and if the roads selected in one county do not connect with the roads selected in another county to make convenient through roads between the various cities and trading points of the different counties, the State Highway

Commission shall make such changes as will best serve to make the most direct routes between such cities and trading points of the different counties, and return to the county clerks the maps with the corrections shown thereon.

§ 13. If in the judgment of the State Highway Commission it becomes necessary to relocate the routes as selected by the county board for State highways in any county, the State Highway Commission may notify the respective boards who shall, at their special meeting when they are selecting the State highways, appoint a committee not to exceed five in number, who shall, if they choose, appear before the State Highway Commission, who shall give hearings on the relocation of the routes as first selected by the county boards. After taking into consideration the information thus presented by these special committees, the State Highway Commission shall then proceed to indicate the routes along which State aid roads may be constructed, as hereinafter provided. The highways selected by the county boards and shown on the maps as revised by the State Highway Commission, shall be the highways to which the provisions of this Act shall apply, and they shall not apply to any other public highways. After the county map has been finally corrected by the State Highway Commission, a copy shall be returned to the county clerk and a copy retained by the State Highway Commission.

§ 14. The county clerk shall enter the map returned to him among his official records, and no changes in the routes indicated thereon shall be made, except by a vote of the county board and with the approval of the State Highway Commission, as hereinafter indicated; and no changes whatever shall be made in the routes of such highways prior to three years after the filing of the first map thereof, except that in the event the routes as first selected and shown do not total a mileage equal to the percentage allowed for that county, additional roads may be added until the total percentage is equaled.

§ 15. If any county board shall fail within six months after the passage of this Act to forward to the State Highway Commission a map showing the routes selected for State aid roads, then the State Highway Commission may make such selection itself from the best information that may be available, and a copy of such map with the roads selected shall be sent to the county clerk of those counties whose boards have not made a selection within the six months as herein provided, which fact shall be indicated on the map submitted by the State Highway Commission; and it shall be the duty of the county clerk to file such map among his records.

§ 15a. The improvement of the system of State highways as herein provided shall be carried on as follows: From such appropriations as the General Assembly may from time to time make for the purpose of carrying out the provisions of this Act, there shall be allotted by the State Highway Commission each year for each county an amount that shall bear the same ratio to the total appropriation for that year that the total amount levied in each county for roads and bridges bears to the total amount levied in the State for roads and bridges, as determined

from the published reports of the Auditor of Public Accounts from the last year so reported: *Provided*, that to counties, in which more than 40 per cent of the total amount appropriated by the General Assembly for building roads is collected, including any amount collected for automobile and kindred licenses, and devoted to road building by such appropriation, there shall be allotted, under the provisions hereof, an amount equal to twenty-five per cent (25%) of the amount so collected in such county.

The sum so allotted to each county shall be used to defray the cost of constructing State aid roads when such work is carried on in conformity with the provisions of this Act: *Provided*, that the allotment made by the State shall not be used to defray more than one-half the cost of any improvement done under the provisions of this Act.

§ 15b. If for any reason any county shall within six months from the date of the allotment fail to provide and appropriate an amount equal to said allotment by the State Highway Commission for the purpose of constructing State aid roads then the amount so allotted shall be forfeited by said county and the same shall be re-allotted to those counties which have complied with the requirements herein contained.

§ 15c. It shall be considered sufficient acceptance of the allotment to a county of the State appropriation for the construction of State aid roads, if a county board shall give notice to the State Highway Commission that it has assessed a tax to raise its portion of the cost, or that it has passed an order submitting to a vote of the people the question of raising an additional tax for this purpose, or that it has passed an order submitting to a vote of the people the question of issuing bonds for this purpose. Otherwise, a county's allotment shall be considered forfeited, as provided in section 15b of this Act.

§ 16. PROCEEDINGS FOR CONSTRUCTION OF STATE AID ROAD—PRELIMINARY RESOLUTION OF COUNTY BOARD.] Whenever the county board of any county desires to initiate proceedings for the construction of a State aid road, along a route designated as aforesaid, such county board may proceed in the manner following. The county board may pass a resolution stating that the public interest demands the improvement of a highway or section thereof within the county, and requesting that it be constructed or improved as provided in this article. Such resolutions shall contain a description of such highway or section thereof. The county clerk shall, within ten days after the passage of such resolution, transmit a certified copy thereof to the State Highway Commission.

§ 17. EXAMINATION OF PROPOSED HIGHWAY—APPROVAL OR DISAPPROVAL BY COMMISSION.] As soon as practicable after the receipt of such resolution, the State Highway commission shall consider the apparent desirability and importance of the proposed improvement, and shall determine whether such proposed improvement will be of public utility and convenience, and whether the construction thereof will be practically possible. After such consideration the commission shall certify their approval or disapproval of the proposed improvement to the county board making application therefor.

§ 18. MAPS, PLANS, SPECIFICATIONS AND ESTIMATES.] Whenever the commission shall have made their preliminary order as aforesaid, in favor of the construction or improvement of a public highway or section thereof, the said commission shall direct the State Highway Engineer, or the assistant State highway engineer to cause proper surveys to be made and to prepare suitable maps, plans, specifications and estimates of cost of the proposed improvement. In the preparation of such plans, specifications and estimates, the State Highway Commission may cause to be included therein, the value of any materials or the fair rental value of any implements, apparatus or machinery suitable for road construction which the State Highway Commission desires should be furnished or supplied by the State. In the preparation thereof the State Engineer may call upon the county superintendent of highways to render such assistance and to perform such part of such work as he shall deem necessary. The preparation of such plans, specifications, surveys and estimates of cost shall be subject to the general direction and control of the State Highway Commission. If deemed advisable such plans, surveys, specifications and estimates may provide for the widening of an existing highway, or provide for a reasonable deviation from the route described in the preliminary resolution of the county board.

§ 19. EMINENT DOMAIN.] In case the plans and surveys provided for in the preceding section require the taking or damaging of the property of any private land owner the State Highway Commission in such manner as they may determine, shall, if possible, agree with such private owner relative to the amount of damages sustained, conditioned upon the construction of the proposed improvement. Such agreement when made, shall be given full force and effect according to the terms thereof. In case such land owner fails to reach an agreement with the commission respecting such damages, or is legally incapable of so doing, the said State Highway Commission may file a petition in any court of competent jurisdiction addressed to any judge thereof in vacation, praying for the assessment of damages for such proposed improvement, after the manner now provided by law relative to the exercise of the right of eminent domain. The damages as thus finally determined either by agreement or proceedings in eminent domain shall be included in the estimate of the cost of the proposed improvement, to be borne equally by the State and the county constructing the same.

In case a proposed improvement be abandoned after a resort to proceedings in eminent domain as aforesaid, the costs of such proceedings to which the property owner is by law entitled, shall nevertheless be paid one-half out of the State road and bridge fund and the remaining one-half by the county.

§ 20. REPORT TO STATE HIGHWAY COMMISSION AND TO COUNTY BOARD.] Whenever the surveys, plans, specifications and estimates of the proposed improvement are fully completed and determined, the State Highway Engineer shall make a complete report thereof and de-

liver the same to the State Highway Commission, and shall also transmit a copy thereof to the county board of the county wherein it is proposed to construct the improvement.

§ 21. FINAL RESOLUTION OF STATE HIGHWAY COMMISSION.] Upon receiving the surveys, plans, specifications and estimates provided for in the preceding sections, the State Highway Commission shall finally determine whether they will authorize the construction of the proposed improvement as a State aid road. The commission shall thereupon at once cause a copy of such determination to be transmitted to the county board.

§ 22. FINAL RESOLUTION OF COUNTY BOARD.] At any regular or special meeting of the county board held after notice of the decision of the State Highway Commission to authorize the construction of the proposed improvement as aforesaid, the county board shall determine whether it will authorize the proceedings necessary to enable the county to contribute the one-half of the cost required for the construction of State aid roads as provided in this Act. When a county board has once adopted a final resolution providing for the construction or improvement of a highway or a section thereof in accordance with such plans and specifications, no resolution thereafter adopted by such board shall rescind or annul such prior resolution, either directly or indirectly, excepting under the advice and with the consent of the State Highway Commission. In case the county board desires that such provision be made for the construction of a State aid road, it may proceed in either of the methods following:

(1) In case there be sufficient funds in the county treasury available therefor, the county board may appropriate therefrom sufficient to meet one-half the cost of the improvement.

(2) If the county board so desires and deems it necessary for the purpose of the improvement herein authorized, the said county board, in the manner now provided by law for issuing bonds for county purposes, may submit to the legal voters of their county the question of issuing such county bonds. In such case the votes in favor of the proposition submitted shall be "For County Bonds for State Aid Roads," and those against shall be "Against County Bonds for State Aid Roads."

§ 23. All moneys appropriated by any county board to aid in the construction of a State aid road, and all moneys raised by taxation therefor shall be held as a separate fund therefor until paid out according to the provisions of this Act, and shall not be expended for any other purpose.

§ 24. FINAL NOTICE TO STATE HIGHWAY COMMISSION.] In case the county finally determines in either of the methods indicated in the preceding section, to make provisions for the contemplated State aid road, the county clerk shall at once notify the State Highway Commission thereof.

§ 25. ORDER OF CONSTRUCTION OF STATE AID ROADS.] Upon the receipt of the notice that the county has finally determined upon the construction of a State aid road in the manner aforesaid, the State Highway Commission shall proceed as provided in this article. In so

far as practicable, in the opinion of the State Highway Commission, the construction and improvement of State aid roads shall be taken up and carried forward within the several counties of the State in the consecutive order of the date of the receipt by the commission of the certified copies of the final resolutions adopted by the various county boards making provision for such construction or improvements, as aforesaid: *Provided*, that until the notices and proceedings have been given and had as in the preceding sections provided the designated roads shall remain under the control of the township road authorities.

§ 26. CONTRACT FOR STATE AID ROADS.] State aid roads may be constructed or improved by contract in the manner provided herein. No contract for the improvement or construction of a State aid road shall be entered into unless at the time, there is in the State road and bridge fund, subject to the order of the State Highway Commission, sufficient moneys to defray the portion of the cost thereof which the State is required to contribute under the provisions of this Act. Upon the completion and final adoption or approval, as provided by law, of the plans and specifications and estimates for the construction or improvement of a State aid road, a contract therefor may be executed as provided herein.

In letting contracts for the building of bridges, or culverts, wherein the county alone is interested, or wherein the county and State are interested, or the county and township or road district are interested, it shall be the duty of the officials in letting said contracts to invite, receive and consider proposals on any other plan other than the one prepared by the county superintendent of highways, or State Highway Commission, and they shall require that all proposals on such plans shall be accompanied with complete stress diagrams, and specifications; nature, quality and size of materials to be used; strength of structure when completed, etc., it being understood, however, that before any such plan shall be finally adopted, it shall, in like manner as all other plans, profiles, specifications and estimates submitted, have the approval of the county superintendent of highways and the State Highway Commission.

(1) ADVERTISING FOR PROPOSALS.] The State Highway Commission shall advertise for proposals for the construction or improvement of such highways or sections thereof according to the plans, specifications and estimates prepared therefor. The advertisement shall be limited to a brief description of the work proposed to be done, the terms and conditions under which proposals will be received, the time and place where the same will be opened, and such other matters as the commission may deem advisable to include therein. Such advertisement shall be published at least once in each week for two consecutive weeks in a newspaper, published in the county in which such highway or section thereof is to be constructed or improved, and in such other newspapers as the commission may designate. In such advertisement the State Highway Commission may provide that certain materials, or machinery or implements suitable for road construction, shall be furnished by the State or used in the construction of said State aid road, and may also indicate the fair value of the same or for the use thereof.

(2) PROPOSALS.] Each proposal shall specify the gross sum for which the work will be performed exclusive of such materials as may be furnished by the State and also shall include the amount to be charged for such item specified in the estimate. The commission may prescribe and furnish forms for the submission of such proposal and may prescribe the manner of submitting the same which shall not be inconsistent herewith. The proposals shall be publicly opened at the time specified in the advertisement aforesaid and when opened such proposals shall be subject at all reasonable times to public inspection and at the time of opening shall be publicly read.

(3) AWARD OF CONTRACT.] The contract for the construction or improvement of such highways or section thereof shall be awarded to the lowest responsible bidder except that no contract shall be awarded at a sum which, together with the value of materials and machinery to be furnished by the State as fixed by the State Highway Commission, shall exceed the estimate made for the construction or improvement of such highway or section thereof in accordance with the aforesaid plans and specifications. The lowest bid shall be deemed to be that which specifically states the lowest gross sum for which the entire work shall be performed, including all the items specified in the estimate therefor.

(4) REJECTION OF PROPOSALS.] The commission may reject any or all proposals and may at once advertise for new proposals as hereinbefore provided, if in their opinion the best interests of the State will thereby be promoted.

(5) FORM OF CONTRACT.] The commission shall prescribe the form of contract and may include therein such matters as they may deem advantageous to the State. Such form shall be uniform in so far as may be.

(6) BOND OF CONTRACTOR.] Each contractor, before entering into a contract for such construction or improvement, shall execute a bond in the form prescribed by the commission, with sufficient sureties to be approved by the commission, conditioned that he will perform the work in accordance with the terms of the contract, and with the plans and specifications and that he will commence and complete the work within the time prescribed in the contract. Such bond shall also provide against any direct or indirect damages that may be suffered or claimed on account of such construction or improvement during the time thereof, and until the highway is accepted.

(7) PAYMENTS ON CONTRACTS.] The contract may provide for partial payments to an amount not exceeding 90 per centum of the value of the work done which shall be paid in the manner provided by this article when certified to by the commission. In case partial payments are made the State and county shall each pay one-half thereof as the work progresses. Ten per centum of the contract price shall be retained until the entire work has been completed and accepted.

§ 27. ACCEPTANCE OF STATE AID ROAD WHEN COMPLETED.] Upon the completion of a State aid road or section thereof constructed or improved under a contract let as provided in this article, the State Highway Engineer shall inspect the same, and if completed as provided in

the contract, he shall thereupon report to the State Highway Commission. If the commission approve, they shall notify the contractor thereof and the highway or section thereof so constructed or improved shall be deemed to have been accepted by the State. Such acceptance shall also be communicated by the State Highway Commission to the county clerk of the county wherein such improvement or portion thereof is located.

§ 28. PAYMENTS—HOW MADE—EFFECT OF CONTRACT.] Upon the acceptance by the State of an improvement as hereinbefore provided, the contractor shall be entitled to receive the portion of the contract price then remaining due and unpaid. The contractor shall receive one-half of the total cost of such improvement directly from the State treasury, and the other half shall be paid by the county to such contractor.

Upon the order of the State Highway Commission, the Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for any unexpended balance remaining in the State road and bridge fund.

§ 29. LEGAL EFFECT OF CONTRACT.] Any contract entered into by and between the State Highway Commission and any contractor for the construction of a State aid road according to the provisions of this Act shall be taken and held to confer upon the contractor the right to enforce in any appropriate legal action against the county wherein the improvement is located the payment of the portion of the cost thereof which the county is required to pay under the provisions of this Act.

§ 30. ROADS CONSTRUCTED DIRECTLY BY THE STATE.] In case the State Highway Commission upon a second advertisement for bids or proposals for the construction or improvement of a State aid road shall not be able to let the contract for a sum, which, together with the value of materials, apparatus, implements and machinery to be furnished by the State determined as aforesaid, shall not exceed the estimate of the cost thereof previously made by the State Highway Engineer, the State Highway Commission may then proceed directly to construct such State aid road. In such case the county within which such proposed improvement shall be located, shall not be required to contribute thereto more than one-half the estimated cost thereof as aforesaid.

§ 31. COUNTY LINE ROADS.] State aid roads may be constructed or improved on county lines. In case two counties desire to secure the construction or improvement of a public highway situated upon or near the boundary line between them, the respective county boards thereof may, by appropriate resolutions, initiate proceedings therefor. To this end such county boards may, by concurring resolutions, fix the portion of the one-half the total cost of construction which should be borne by each county. Such resolutions when duly transmitted to the State Highway Commission shall be considered in such cases as the preliminary application therefor, as hereinbefore provided. If approved by the State Highway Commission, each county board may appropriate the portion of the cost to be borne by such county, or authorize the submission of the question of issuing bonds as hereinbefore provided.

In all proceedings contemplating the construction or improvement of a county line road as provided in this section, all acts of each county

board relative thereto, together with the result of any vote upon the question of levying a tax or issuing bonds as provided herein, shall be communicated by the county clerk of each county to the county clerk of the other county, as well as to the State Highway Commission.

In case either county shall refuse to take the steps necessary to secure the construction or improvement of such county line road, as provided in this section, then all prior proceedings relative thereto on the part of the other county shall be regarded as suspended.

§ 32. REPAIR AND MAINTENANCE OF STATE AID ROADS.] Whenever any State aid road shall be constructed or improved in any county under the provisions of this Act, the State Highway Commission, either directly or through the State Highway Engineer, the assistant State highway engineer, or the county superintendent of highways shall thereafter keep all such roads in proper repair, and the total cost of such maintenance shall be paid out of the State road and bridge funds upon the warrant of the Auditor, whenever such payment shall be ordered by the State Highway Commission. For the purpose of keeping such roads in proper repair the State Highway Commission shall have authority to purchase all necessary tools, machinery, supplies and materials, and may employ, or authorize the State Highway Engineer to employ, all labor necessary therefor.

§ 33. PUBLIC UTILITIES.] No steam or electric railroad company, telephone or telegraph company, or company laying or using pipe lines, shall have the right to locate or construct its road or place its poles or wires, or lay its pipe lines upon or along any State aid road, without the consent of the county board of the county wherein it is proposed to place or locate the same. Such consent may be granted for any period not longer than twenty years upon petition of the company, upon such terms and conditions, not inconsistent with this Act, as such county board shall deem for the best interests of the public: *Provided*, that before any such consent of the county board shall become effective the said county board shall receive the approval of the State Highway Commission to the use of the said State aid road for such purpose and the conditions upon which the same shall have been granted: *And, provided, further*, that no such consent shall be granted except upon the condition that the company will pay all damages to the owners of the property abutting upon said State aid road which they may sustain by reason of the location or construction of the said steam or electric railroad or the placing of the said telephone or telegraph poles or wires, or the laying of the said pipe lines, the same to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain.

ARTICLE V.

BRIDGES AND IMPROVEMENTS CONSTRUCTED AND REPAIRED BY A COUNTY OR AT THE JOINT EXPENSE OF A COUNTY AND ANY TOWN OR ROAD DISTRICT THEREIN.

§ 34. BRIDGES MAY BE BUILT BY COUNTY.] In case the county board shall deem it expedient to build a bridge in any town or road district

therein, the said county board may order the same built at the entire expense of such county. Such bridge shall in such case be constructed according to plans and specifications prepared by the county superintendent of highways, subject to the approval of the State Highway Engineer.

§ 35. AID FROM COUNTY BOARD.] When it is necessary to construct or repair any bridges over a stream, or any approach or approaches thereto, by means of an embankment or trestle work on a public road, in any town or district or on or near to or across a town or district line, in which work the town or district is wholly or in part responsible, and the cost of which will be more than twelve cents on the one hundred dollars on the latest assessment roll, and the levy of the road and bridge tax for two years last past in said town or district was in each year for the full amount allowed by law to be raised therein for all road and bridge purposes except for damages incurred in laying out, altering, widening or vacating roads, the major part of which levy is needed for the ordinary repair of the roads and bridges, the commissioner of highways may petition the county board for aid, and if the foregoing facts shall appear, the county board shall appropriate from the county treasury a sum sufficient to meet one-half of the expenses of said bridge or other work, on condition the town or district asking aid shall furnish the other half of the required amount.

LETTING CONTRACTS.] When it is determined by the county board to grant the prayer of the highway commissioner asking aid for the construction of such bridge or other expensive work, the county board shall thereupon enter an order directing the county superintendent of highways to prepare plans and specifications for such improvement. The contract for such improvement shall thereupon be let in the manner authorized by said county board, subject to provisions of the law relating to the letting of contracts: *Provided, however,* that no county, town or road district shall be liable for any part of such expenses or compelled to pay any part of its appropriation for such purpose until all of the work has been fully completed and accepted by the county superintendent of highways and such acceptance properly certified to by said officer and presented to the county board at a meeting held after the completion of said work, which certificate shall contain itemized account of the expenditures; and a copy thereof shall also be filed with the town or district clerk as the case may be.

§ 36. BRIDGES BUILT BY TWO COUNTIES.] Bridges over streams which divide counties, and bridges on roads on county lines, and bridges within eighty rods of county lines, shall be built and repaired at the expense of such counties. And all such bridges over streams which form the boundary line between two counties, and all such bridges within eighty rods of such boundary line, when the cost of constructing the same shall be \$5,000 or over, shall be built by such counties respectively in the proportion that the taxable property in each county respectively bears to each other according to its assessed value as equalized at the time of constructing such bridge. And when any county desires to build any

such bridge across any stream which is the boundary line between such county and another county, or desires to build any such bridge within eighty rods of such boundary line, and the cost of such bridge will equal or exceed \$5,000, and the county desiring to construct such bridge has appropriated its share of the cost of constructing the same, then it shall be the duty of such other county to make an appropriation for its proportion of the cost of said bridge on the basis of the assessed value of the property, real and personal, of each of said counties according to the last preceding assessment thereof as equalized, and if such other county fails or refuses to make an appropriation for its proper proportion of the cost of constructing such bridge, any court of competent jurisdiction shall issue an order to compel such county to make such appropriation upon a proper petition for that purpose, and the cost and expense of maintaining and keeping the same in repair after the same is built and constructed shall be borne in the proportion of the assessed value of the property in each of said counties according to the latest equalized assessment thereof: *Provided*, that for the building and maintaining of bridges over streams near county lines in which both are interested and where the cost thereof is less than \$5,000, the expense of building and maintaining any such bridge shall be borne by both counties in such portion as shall be just and equitable between the counties, taking into consideration the taxable property in each, the location of the bridge, and the advantage of each, to be determined by the commissioner in making contracts for the same, as provided for in section 37 of this Act.

§ 37. CONTRACTS BY COMMISSIONERS OF ADJOINING COUNTIES.] For the purpose of building or keeping in repair such bridge or bridges, it shall be lawful for the county boards of such adjoining counties, to enter into joint contracts, and such contracts may be enforced in law or equity against such county boards, and such county boards may be proceeded against jointly, by any parties interested in such bridge or bridges, for any neglect of duty in reference to such bridge or bridges, for any damage growing out of such neglect.

§ 38. APPROACHES TO BRIDGES ON OR NEAR COUNTY LINES.] Approaches to all bridges built and constructed under and by virtue of the three preceding sections, shall be built, constructed and maintained by the respective counties within which such approach or approaches may be located, and all approaches to any and all such bridges as have heretofore been built and constructed.

§ 39. SUIT ON JOINT CONTRACT.] If the county board of any such county, after reasonable notice in writing from such other county board shall neglect or refuse to build or repair any such bridge when any contract or agreement has been made in regard to the same, it shall be lawful for the county board so giving notice to build or repair the same, to recover, by suit, one-half (or such amount as shall have been agreed upon) of the expense of so building or repairing such bridge, with costs of suit and interest from the time of the completion thereof, from the county board so neglecting or refusing.

ARTICLE VI.

TOWN AND DISTRICT ORGANIZATION AND ADMINISTRATION FOR HIGHWAY PURPOSES.

SUBDIVISION I.

Organization: Division Into Towns and Districts.

§ 40. TOWN AND DISTRICT ORGANIZATION SIMILAR.] For all purposes relating to the construction, repair, maintenance and supervision of roads and bridges, the several towns in counties under township organization, and road districts in counties not under township organization, shall, as near as may be, and subject to the provisions of this Act, be regarded as analogous in corporate authority, and the powers and duties of the highway officers thereof shall be similar in extent and effect.

§ 41. COUNTIES NOT UNDER TOWNSHIP ORGANIZATION—DIVISION INTO DISTRICTS.] Counties not under township organization shall be divided into road districts by the county boards thereof, in the manner hereinafter set forth. All road districts, where it is practicable, shall be composed of territory not less than a congressional township. Fractional or whole townships may be added to other fractional or whole townships. The districts so formed shall be designated by some number.

(1) COUNTIES ALREADY DIVIDED INTO DISTRICTS.] In counties not under township organization, wherein road districts are already now laid out and established under the provisions of an Act approved May 4, 1887, in force July 1, 1887, entitled, "An Act to provide for the organization of road districts, the election and duties of officers therein, and in regard to roads and bridges, in counties not under township organization, and to repeal an Act and parts of Acts therein named," the road districts already laid out therein by the county boards thereof shall be continued in existence, unless the same shall be altered in the manner hereinafter set forth: *Provided, however*, that all incorporated cities, towns and villages which have heretofore been excluded from road districts in such counties shall hereafter be included therein, and in all cases where necessary therefor, the county boards of such counties shall make provision to create such city, town or village into a road district, or to make it a part of some road district already formed.

(2) COUNTIES NOT ALREADY SO DIVIDED.] In all counties not under township organization, and operating under the provisions of an Act approved May 10, 1901, entitled, "An Act in regard to roads and bridges, and to provide for the adoption of the same," and wherein road districts are not already laid out and established, it shall be the duty of the county boards thereof, at their first session after this Act shall be in force and effect, to divide such counties into road districts, as provided herein.

(3) CORPORATE NAME OF DISTRICT.] The corporate name of each district shall be "Road District No." and all actions by or against such district shall be in its corporate name.

(4) CORPORATE CAPACITY OF DISTRICT.] Every district so organized shall have corporate capacity to exercise the powers granted thereto, or necessarily implied and no others. It shall have power: (1) To sue and be sued. (2) To acquire by purchase, gift or devise, and to hold property, both real and personal, for the use of its inhabitants, and again to sell and convey the same. (3) To make all such contracts as may be necessary in the exercise of the powers of the district.

(5) ALTERATION OF BOUNDARIES OF ROAD DISTRICTS.] The board of county commissioners of each county shall have full and complete power and jurisdiction to alter the boundaries of road districts and to change road district lines in their respective counties to suit the convenience to the inhabitants residing therein, but no such change shall be made under the provisions of this Act unless at least twenty of the legal voters of such road district shall petition for such alteration or change; nor shall such alteration or change be made by such board of county commissioners without notice thereof having been given by posting up notices in not less than five of the most public places in each of the several towns or road districts interested in such proposed alterations or changes.

SUBDIVISION II.

Highway Officers: Their Election, Powers, Duties and Compensation.

§ 42. TOWN AND DISTRICT ROAD OFFICERS—(A) COMMISSIONERS.] In each township in counties under township organization and in each road district in counties not under township organization there shall be a board of highway commissioners consisting of three members, each of whom shall serve for a term of three years and until his successor is duly elected and qualified, and who shall be elected in the manner hereinafter set forth. The powers and duties of such highway commissioners shall be as hereinafter indicated.

(B) CLERK.] In counties under township organization the town clerk shall act as the clerk of the board of highway commissioners of such town. In counties not under township organization there shall be elected in each road district a district clerk, who shall hold his office for the term of three years and until his successor is elected and qualified.

(C) TREASURER.] In counties under township organization the supervisor of each town shall be *ex officio* treasurer of the road and bridge fund. In counties not under township organization the district clerk shall be *ex officio* treasurer of such fund.

(D) WHO ELIGIBLE.] No person shall be eligible to the office of highway commissioner unless he shall be a legal voter and have been one year a resident of such town or district. In counties not under township organization the same limitation shall apply to the district clerk.

§ 43. ELECTIONS—PROVISIONS GENERALLY APPLICABLE.] In all counties under township organization the highway commissioners shall be elected at the annual town meeting and subject to the laws governing

the same. In all counties not under township organization the highway commissioners and the district clerk shall be elected at annual elections to be held on the first Tuesday in April in each year. Until the first annual election held after this Act becomes effective, the several boards of highway commissioners and clerks now in office shall continue to exercise their respective powers and duties as heretofore. At such first annual election held after this Act shall become effective, there shall be elected in each township in counties under township organization, and in each road district in counties not under township organization, but which have already been divided into districts, one commissioner of highways as the successor of the commissioner of highways whose term of office shall then expire. Thereafter, the several highway commissioners then in office, and thereafter elected, shall exercise all the functions, powers and duties provided by this Act.

§ 44. SAME—COUNTIES OPERATING UNDER SPECIAL ACT—PROVISIONS APPLICABLE TO FIRST ELECTION.] In all counties not under township organization which are operating under the optional Act entitled, "An Act in regard to roads and bridges in counties not under township organization, and to provide for the adoption of the same," approved May 10, 1901, and which counties therefore are not already divided into road districts as aforesaid, the county board of each of said counties shall, at least twenty days before the first Tuesday in April next after this Act shall become effective, designate some central and convenient place in each district for the holding of the first district election, and shall also appoint three suitable electors of the district as judges of the election.

NOTICES OF FIRST ELECTION.] The county clerk shall thereupon make out notices, stating the time (which shall be the first Tuesday in April thereafter) and place of holding the first district election, and the names of the judges of the election so appointed, and deliver such notices to the sheriff of the county who shall cause the same to be posted in not less than three of the most public places of the district, and not less than fifteen days before the time of holding such election.

OFFICERS ELECTED.] At such first election there shall be elected three commissioners of highways of whom one shall hold his office for one year, one for two years, and the third for three years, to be determined between them by lot before entering upon the duties of their office, and until their respective successors are elected and qualified. At such first election there shall also be elected a road district clerk who shall hold his office for three years and until his successor is elected and qualified.

CANVASS OF VOTES—EXPENSE.] After the canvass of the votes the judges shall make returns as provided in the general election laws of this State, to the county clerk, who shall make a canvass of the votes and immediately notify the persons elected of their election. The expenses of such first election shall be paid by the county.

§ 45. ELECTIONS—COUNTIES NOT UNDER TOWNSHIP ORGANIZATION—PROVISIONS RELATING TO THE CONDUCT THEREOF.] In all counties not under township organization the following provisions regarding elections shall be applicable.

ANNUAL ELECTION FOR DISTRICT OFFICERS—ABSENCE OF OFFICERS.] The annual election for district officers shall be held on the first Tuesday in April, of each year, at the place designated by the commissioners of highways. The commissioners of highways shall be *ex officio* judges, and the clerk shall be *ex officio* clerk of all district elections, but before entering upon the discharge of their duties they shall take the oath of office prescribed by the general election law of the State. In the absence of any of the above named officers the vacancy shall be filled by appointment by the commissioners present, and in case there is no commissioner present the electors present shall appoint such judges.

NOTICE OF ANY ANNUAL OR SPECIAL ELECTION.] Notice of the time and place of holding any annual or special election shall be given by the district clerk, or, in his absence, by the commissioners, by posting written or printed notices in at least three of the most public places in the district, at least fifteen days prior to such election.

DISTRICT ELECTIONS—HOW CONDUCTED.] The district elections shall be conducted in the same manner and subject to the same laws and regulations as prescribed for general elections: *Provided*, that no registration of voters shall be required.

WHO ENTITLED TO VOTE.] All persons possessing the qualifications of voters, who reside within the boundaries prescribed for such district shall be entitled to vote at such election.

CANVASS OF VOTES—CERTIFICATE, POLL LIST AND BALLOTS SEALED AND SENT TO DISTRICT CLERK.] The judges shall, immediately, upon closing the polls, make a canvass of the votes polled in the manner provided by the general election law of the State, and make a written statement or certificate of the number of votes cast at such election for each person or proposition voted for, and the office for which such person received such vote, and shall, within forty-eight hours thereafter, cause such certificate and poll list, together with the ballots cast at such election, to be separately sealed up and transmitted to the district clerk to be filed and preserved by him.

CANVASS OF RETURNS—NOTICE OF RESULT OF ELECTION TO VOTERS.] The commissioners of highways, together with some justice of the peace to be by them selected, and the district clerk shall, within five days after any election is held, meet and canvass said returns, and declare the result of said election. The canvass being completed, a statement of the result shall be entered at large, by the clerk of election, in the minutes of the proceedings, to be kept by him as required by this Act, which shall be publicly read by him to the electors present; and such reading shall be deemed notice of the result of the election, to every person whose name shall be entered on the poll list as a voter.

DRAWING LOTS IN CASE OF TIE—NOTICE.] In case two or more persons shall have an equal number of votes for the same office, the question of which shall be entitled to the office shall be decided by lot, under direction of the district clerk, but he shall give each party at least five days' notice of the time and place of drawing lots.

NOTICE OF ELECTION TO PERSONS ELECTED—FILING LIST OF OFFICERS ELECTED IN OFFICE OF COUNTY CLERK.] The clerk, within ten days

after the canvass of the votes as hereinbefore provided in this section, shall transmit to each person elected to any district office, a notice of his election. He shall also file in the office of the county clerk a list of the names of all district officers elected at such election, who have qualified, within twenty days after such election shall be held.

§ 46. OATH REQUIRED.] Every person elected or appointed to the office of commissioner of highways, and every district clerk in counties not under township organization, before he enters upon the duties of his office, and within ten days after he shall be notified of his election or appointment, shall take and subscribe, before some justice of the peace or district or town clerk, the oath or affirmation of office prescribed by the Constitution, which oath shall, within five days thereafter, be filed with the district or town clerk.

In counties under township organization, no additional oath shall be required of the town clerk, to enable him to enter upon the discharge of the duties of his office as *ex officio* clerk of the board of highway commissioners.

NEGLECT TO TAKE OATH—REFUSAL TO SERVE.] If any person elected or appointed to either of the offices above enumerated, shall neglect to take and subscribe such oath, and cause the same to be filed as above required, such neglect shall be deemed a refusal to serve.

§ 47. WHEN TERM OF COMMISSIONER OR CLERK EXPIRES, SUCCESSOR TO DEMAND BOOKS, PAPERS, ETC.] When the term of any commissioner of highways or clerk shall expire, and other persons shall be appointed to such office, it shall be the duty of such successor, immediately after he shall have entered upon the duties of his office, to demand of his predecessor all the books, papers, moneys and other property under his control, belonging to such office.

WHEN OFFICE BECOMES VACANT BY RESIGNATION OR OTHERWISE—DEMAND, ETC.] Whenever either of the officers above named shall resign, or the office become vacant in any way, and another person shall be elected or appointed in his stead, the person so elected or appointed shall make such demand of his predecessor, or of any person having charge of such books, papers, moneys or other property.

DELIVERING UPON OATH ALL RECORDS, BOOKS, ETC.—OATH, BY WHOM ADMINISTERED.] It shall be the duty of every person so going out of office, whenever thereto required pursuant to the foregoing provisions, to deliver up on oath, all the records, books, papers, moneys and other property in his possession or in his control belonging to the office held by him; which oath may be administered by the officer to whom such delivery shall be made.

§ 48. VACANCIES IN OFFICE—COUNTIES UNDER TOWNSHIP ORGANIZATION.] In counties under township organization the provisions of law applicable to resignations from town offices, and the filling of vacancies therein, shall apply to highway officers in the same manner as to other town officers.

§ 49. SAME—COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.] In counties not under township organization the following provisions shall be applicable relating to vacancies in road district offices:

VACANCY IN OFFICE—HOW FILLED—POWERS OF PERSONS APPOINTED.] Whenever any district shall fail to elect the proper number of district officers to which such district may be entitled by law, or when any person elected to any district office shall fail to qualify, or whenever any vacancy shall happen in any district, from death, resignation, removal from the district or other cause, it shall be the duty of the county board to fill such vacancy by certificate under the hand and seal of the county clerk; and the persons so appointed shall hold their respective offices until the next annual election, and until their successors are elected and qualified; and shall have the same powers and be subject to the same duties and penalties as if they had been duly elected by the electors.

CERTIFICATE OF APPOINTMENT.] When any appointment shall be made, as aforesaid, the county clerk shall cause the certificate of appointment to be forthwith filed in the office of the district clerk, who shall immediately give notice to each person appointed.

JUSTICE OF PEACE MAY ACCEPT RESIGNATION OF OFFICER—NOTICE.] Any justice of the peace residing in such district, or if there be no justice residing in such district, then any justice in the county, may, for sufficient cause shown to him, accept the resignation of any district officer of his district, and whenever he shall accept any such resignation, he shall forthwith give notice thereof to the district clerk of the district, or in his absence, to the president of the board of commissioners of highways, who shall make a minute thereof upon the district records. He shall also immediately give notice to the county clerk of any vacancy that may exist in any district office.

§ 50. MEETINGS, POWERS AND DUTIES OF HIGHWAY COMMISSIONERS —(A) MEETINGS.] The commissioners of highways of each town or road district shall meet on the second Tuesday next after the annual town meeting or road district election, in each year, at the office of the town or district clerk, and shall organize as a board by electing one of their number president. They shall also hold a regular semi-annual meeting between the first Tuesday in August and the first Tuesday in September of each year, at a time to be named by their president, for the purpose of determining the tax rate to be certified by them to their respective county boards, as hereinafter provided. Said board shall also hold other regular meetings at such times as they shall designate, and special meetings as occasion may require at the call of the president, or any two of the commissioners, and no official business shall be transacted by the board except at a regular or special meeting. The concurrence of at least two commissioners shall be required in all official actions taken by the board as a body, and all certificates or documents hereinafter required to be made or executed by the board of highway commissioners shall be signed by at least two members of said board.

(B) GENERAL POWERS AND DUTIES.] The highway commissioners of each town or road district shall have power and it shall be their duty:

(1) To lay out, alter, widen or vacate roads as hereinafter provided.

(2) To cause such roads used as highways as have been laid out or dedicated to public use, but not sufficiently described, and such as have been used for twenty years, but not recorded, to be ascertained, described and entered of record in the office of the district or town clerk.

(3) To determine the taxes necessary to be levied on property within his town or district for road and bridge purposes, subject to the limitations hereinafter provided.

(4) To direct the expenditure of all moneys collected in the town or district for road and bridge purposes and to draw warrants on the town or district treasurer therefor.

(5) To direct the construction and repair of roads and bridges within the town or district, to let contracts, employ labor and purchase material and machinery therefor, subject to the limitations herein provided: *Provided, however*, that no contract shall be let for the construction or repair of any road or bridge or part thereof in excess of the amount of \$200, nor shall any machinery or other appliances to be used in road construction in excess of such amount be purchased without the approval of the county superintendent of highways.

(6) To have general charge of the roads and bridges of their town or district, to keep the same in repair and to improve them so far as practicable.

(7) To take possession of and keep under shelter, when not in use, all scrapers, plows and other tools belonging to the town or district wherever the same may be found, and not allow the same to go to waste, and not lend the same, except to persons employed to work the roads by contract or otherwise.

(8) To cause to be erected and kept in repair at the forks or crossing place of the most important public roads, post and guide boards, with plain inscription thereon, in letters and figures, giving directions and distances to the most noted places to which such road may lead; to prevent thistles, burdock, cockleburs, mustard, yellow-dock, Indian mallow and gymypon weed from seeding, and to extirpate the same so far as practicable; and to prevent all rank growth of vegetation in the public highway by causing the same to be cut and destroyed prior to the seeding of the same, and at the farthest prior to September 1st, in each and every year; and the said commissioners may, at their discretion, adopt any suitable and convenient mode of supplying water in troughs conveniently situated on the public highway for public use.

(9) To issue their warrant or order on the treasurer of the board of highway commissioners for the payment of all moneys paid out by such treasurer.

(C) REPORT.] The highway commissioners shall annually make report in writing showing:

(1) The amount of poll tax assessed, how much paid, and how much delinquent.

(2) The amount of road and bridge money received by him, and a full and detailed statement as to how and where expended, and the balance, if any, unexpended.

(3) The amount paid for damages in laying out, altering, widening or vacating roads, and right-of-way for ditches.

(4) The amount of liabilities incurred and not paid; and if such liabilities are undetermined, they shall be estimated.

(5) Any additional matter concerning the roads and bridges of the district he may think expedient and proper to make.

In counties under township organization such report shall be made to the board of town auditors at the semi-annual meeting immediately preceding the annual town meeting. In counties not under township organization such report shall be made not later than the last Tuesday in March to the district clerk who shall file the same in his office and he shall record such report at large in the records of said road district.

§ 51. DUTIES OF CLERK.] The town or district clerk shall have the custody of all records, books and papers of the town or road district, and he shall duly file all certificates or oaths and other papers required by law to be filed in his office. He is authorized to administer oaths and take affidavits in all cases required by law to be administered by town or district officers. The duties of the clerk shall further include:

(1) RECORDING ORDERS OF COMMISSIONERS.] He shall record in the book of records of his district, all orders and directions of the highway commissioners required by law to be kept, and as hereinafter provided for. All records and books required by law to be kept by such clerk shall be deemed public records and shall at all times be open to inspection without fee or reward. The clerk shall also meet with the highway commissioners whenever requested at any reasonable time to do so by the latter official.

(2) BOOKS AND STATIONERY FOR OFFICE.] The district clerk shall, from time to time as may be necessary, procure the proper books and stationery for his office and the cost thereof shall be paid out of the town or district treasury.

(3) COPY OF PAPERS AND TRANSCRIPTS FROM RECORDS—EVIDENCE.] Copies of all papers duly filed in the office of the town or district clerk and transcripts from the town or district records certified to by him shall be evidence in all courts in like effect as if the originals were produced.

§ 52. TREASURER.] The treasurer of the road and bridge fund shall receive and have charge of all moneys raised in the town or district for the support and maintenance of roads and bridges therein, and for road damages, excepting such portions of the moneys as hereinafter directed to be paid to the authorities of incorporated villages, towns and cities. He shall hold such moneys at all times subject to the commissioners of highways, and shall pay them over upon the order of not less than two of them, and not otherwise. He shall keep an account in a

book provided by the commissioners of all moneys received, and all moneys paid out, showing in detail to whom and on what account the same is so paid.

(1). BOND.] The supervisor or clerk, as the case may be, before becoming entitled to act as treasurer, and within ten days after his election, shall execute a bond in double the amount of moneys likely to come into his hands by virtue of this Act, conditioned that he will faithfully discharge his duties as such treasurer, that he will honestly and faithfully account for and pay over, upon the proper orders, all moneys coming into his hands as treasurer, and the balance, if any, to his successor in office. Such bond shall be payable to the town or district, and shall be in such sum as the commissioners of highways shall determine. Said bond shall be approved by the commissioners of highways, and shall be filed in the office of the county clerk with such approval endorsed thereon: *Provided*, that if from any cause the commissioners of highways shall deem the bond so given insufficient, they may require a new bond: *And, provided, further*, that the commissioners shall have the right to fix any other sum to be required in any new bond so given. The commissioners of highways shall have power to bring suit upon such bond for any loss or damage accruing to the town or district by reason of any non-performance of duty, or defalcation on the part of the said treasurer.

(2) ITEMIZED STATEMENT OF RECEIPTS AND DISBURSEMENTS.] The treasurer shall also present annually on the first Tuesday in April to the highway commissioners an itemized statement of receipts and disbursements which shall be sworn to.

§ 53. COMPENSATION OF OFFICERS—COMMISSIONERS.] The commissioners shall each receive for each day necessarily employed in the discharge of their duties the sum of two dollars (\$2.00) upon a sworn statement to be filed by such commissioner in the office of the town or district clerk showing the number of days he was employed and the kind of employment, and giving the dates thereof.

CLERK.] The town or district clerk shall receive two dollars per day for each day he shall be required to meet with the highway commissioners, and the same amount per day for the time he shall be employed as clerk of election, or in canvassing the returns of such election. He shall receive no other per diem. In addition to the above he shall also receive fees for the following services, to be paid out of the town or district funds, except where otherwise specified. For serving notice of election or appointment upon district officers, as required by this Act, twenty-five cents each. For posting up notices required by law, twenty-five cents each. For copying any record in his office and certifying to the same, ten cents for every hundred words, to be paid by the person applying for the same.

TREASURER.] The *ex officio* treasurer shall, in addition to the other compensation to which he is by law entitled, receive two per cent on all

moneys paid out by him up to and including two thousand dollars and one per cent on all moneys paid out by him in excess of two thousand dollars, excepting such amounts as shall have been paid to his successor, also except all moneys paid out in payment of bonds or other borrowed money.

JUSTICE OF THE PEACE.] The justice of the peace whose services are required by this Act, shall receive the sum of two dollars per day for his services.

§ 54. OFFENSES AND PENALTIES.] If any highway commissioner shall wilfully refuse to perform any of the duties enjoined upon him by this Act, he shall forfeit not less than ten dollars nor more than fifty dollars, and may be proceeded against in the name of the town or district for the recovery of such forfeiture before any court of the proper county having jurisdiction.

SUBDIVISION III.

The Raising of Revenue for Highway Purposes and the Application Thereof.

§ 55. POLL TAX.] At their annual meeting to be held on the second Tuesday after the annual town meeting or district election in each year, each board of highway commissioners shall make out a list of able-bodied men in their town or district between the ages of twenty-one (21) and fifty (50) years and deliver the same to the town or district treasurer on or before the first day of May in each year, and assess at such meeting against such person upon such list a sum of not less than one (1) nor more than three (3) dollars, as a poll tax for highway purposes, to be paid in cash to such treasurer by the first Monday of June of each year: *Provided*, that paupers, idiots, lunatics and such others as are exempt by law shall not be compelled to pay a poll tax for highway purposes: *Provided, also*, that this list shall not include persons within the limits of cities or incorporated villages. The commissioners shall also, within ten (10) days after such list is delivered to the treasurer of the road and bridge fund, cause written or printed notices to be given to each person so assessed, notifying him of the time when and place where such tax must be paid, and if this poll tax shall not be paid by the first Monday of June in such year it shall be the duty of the commissioners of highways, in the name of the district or town, to bring suit therefor against such persons before some justice of the peace having jurisdiction thereof. Summons shall be issued and returned in the same manner as provided by law in other cases. If judgment is rendered against defendant the court shall find in such judgment that the same is for poll tax unpaid, and shall endorse the same on the execution, if one is issued. No property belonging to the defendant shall be exempt from levy to satisfy such execution: *Provided, also*, that on petition of not less than twenty-five (25) legal voters of any town or district, asking to have the proposition to abolish the poll tax submitted to the legal voters of said town, or district, filed with the town or district clerk not less than fifteen (15) days before the annual town meeting or annual district election, then

the town or district clerk shall state in the notice of the annual town meeting or district election that the legal voters of such town or district may vote by ballot for or against the payment of all poll tax, and if a majority of all the ballots cast are against the payment of a poll tax, then that part of this section which provides for the levying of a poll tax shall no longer be in force in such town or district.

(1) CONSTABLE'S DUTY HAVING EXECUTION FOR POLL TAX.] The constable to whom such execution shall be delivered shall forthwith collect the moneys therein mentioned. He shall pay the money so collected, when collected, to the justice of the peace who issued the execution, who is hereby required to pay the same to the treasurer.

§ 56. GENERAL TAX LEVY FOR ROAD AND BRIDGE PURPOSES.] At a regular meeting to be held on the first Tuesday in September the board of highway commissioners in each town or road district shall annually determine and certify to the board of supervisors or board of county commissioners the amount necessary to be raised by taxation for the proper construction, maintenance and repair of roads and bridges in such town or road district. Such certificate shall be filed in the office of the county clerk, and by that official presented to the county board at their regular September meeting for their consideration. The amount so certified if approved by the county board, or such part thereof as the said board shall approve shall be extended by the county clerk as taxes against the taxable property of such town or district: *Provided, however*, that the county clerk shall not extend against the taxable property of any town or road district a rate in excess of sixty-one (61) cents on each one hundred dollars valuation of the taxable property of the town or district, and if the amount of taxes approved by the county board shall be in excess of such rate it shall be the duty of the clerk to reduce the same to said rate of sixty-one cents upon each one hundred dollars of the assessed valuation of said town or district.

§ 57. COPY OF CERTIFICATE TO BE PRESERVED.] The commissioners of highways of each town or district in addition to certifying to the county board the amount necessary to be raised by said town or district for road and bridge purposes therein, shall also within the dates aforesaid make out and deliver to the town or district clerk a copy of such certificate to be kept on file by such clerk for the inspection of the inhabitants of such town or district: *Provided, however*, that a failure to file such copy shall not affect the validity of the certificate filed with the county clerk, or of the tax levied pursuant thereto: *Provided, further*, that the town or district clerk shall not certify levies of road and bridge taxes to the county clerk.

§ 58. DAMAGES FOR LAYING OUT ROADS, ETC.—TAX LEVY FOR.] When damages have been agreed upon, allowed or awarded for laying out, widening, altering or vacating roads or for ditching to drain roads, the amounts of such damages, not to exceed for any one year twenty cents on each one hundred dollars of the taxable property of the town or district shall be included in the first succeeding tax levy, provided for in section 56 of this Act, and be in addition to the levy for road and bridge purposes; and when collected, shall constitute and be held by the

treasurer of the road and bridge fund as a separate fund to be paid out to the parties entitled to receive the same. It shall be the duty of the commissioners of highways at the time of certifying the general tax levy for road and bridge purposes within their town or district to include and separately specify in such certificate the amount necessary to be raised by taxation for the purpose of paying such damages. Upon the approval by the county board of the amount so certified, as provided in the preceding section, the county clerk shall extend the same against the taxable property of said town or district, provided the amount thus approved shall not be in excess of twenty cents on each one hundred dollars of the taxable property therein.

§ 59. TAX RATE—EXTENSION AND COLLECTION OF TAXES.] All items of tax levy of any town or district authorized by sections 56 and 58 of this Act shall be extended by the county clerk as one tax upon the collector's book and when collected shall be paid to the treasurer of the commissioners of highways by the collector as fast as the same is collected, except such rate per cent as shall be allowed for collecting the same: *Provided*, that one-half the tax required to be levied in section 56 and collected for road and bridge purposes, on the property lying within an incorporated village, town or city in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city, to be appropriated to the improvement of roads, streets and bridges, either within or without said village, town or city, and within the township, under the direction of the corporate authorities of such village, town or city: *And, provided, further*, that when any of said tax is expended beyond the limits of said village, town or city, it shall be with the consent of the highway commissioners of the township or road district.

§ 60. ROAD DAMAGES—ORDERS OUT OF TAX TO BE LEVIED.] Whenever damages have been allowed for roads or ditches, the commissioner of highways may draw orders on the treasurer, payable only out of the tax to be levied for such roads or ditches, when the money shall be collected or received, to be given to persons damaged.

§ 61. BONDS MAY BE ISSUED BY VOTE OF SPECIAL TOWN OR DISTRICT MEETING TO BUILD BRIDGE, ETC.] When the highway commissioners desire to expend on any bridge or other distinct and expensive work on the road, a greater sum of money than is available to them by other means, the said commissioners may call a special town or district election to vote on the proposition, which shall be clearly stated in the petition substantially as follows: "To borrow \$. to construct or repair (describe the bridge or other work)." Upon determining to call such election the highway commissioners shall order the town or district clerk, by an instrument in writing to be signed by them, to post up in ten of the most public places in said town or district, notices of such special town or district meeting; which notice shall state the object, time and place of meeting, the maximum sum to be borrowed, and the manner in which the voting is to be had, which shall invariably be by ballot, and shall be "For borrowing money to (here define the pur-

pose)," or "Against borrowing money to (here define the purpose)." The special town or district election shall be held at the place of the last annual town or district meeting or election by giving at least ten days' notice, and returns thereof made in the same manner as other special town or district elections are now, or may hereafter be provided by law; and if it shall appear that a majority of the legal voters voting at said election shall be in favor of said proposition the said commissioners of highways and town or district clerk, as the case may be, shall issue from time to time, as the work progresses, a sufficient amount in the aggregate of the bonds of said town or district for the purpose of building such bridge, or other distinct and expensive work; said bonds to be of such denominations, bear such rate of interest, not exceeding six per cent, upon such time, and be disposed of as the necessities and conveniences of said town or district officers require: *Provided*, that said bonds shall not be sold or disposed of for less than their par value, and such town or district shall provide for the payment of such bonds by appropriate taxation.

§ 62. ROAD AND BRIDGE MONEY—HOW PAID.] All road and bridge moneys of any town or road district shall be held by the treasurer of the road and bridge fund subject to the order of the commissioners of highways.

SUBDIVISION IV.

Provisions Specially Applicable to Bridges and Improvements Constructed or Repaired at the Joint Expense of Two Adjoining Towns or Districts.

§ 63. BRIDGES BUILT BY TWO TOWNS OR DISTRICTS.] Bridges over streams which divide towns or districts and bridges over streams on roads on town or district lines, and bridges within eighty rods of town or district lines over streams on roads extending from one town or district into another town or district and crossing town or district lines, shall be built and repaired at the expense of such towns or districts: *Provided*, that the expense of building and maintaining any bridge over a stream near town or district lines in which both are interested and where the cost thereof is less than \$5,000, shall be borne by both towns or districts in such portion as shall be just and equitable between said towns or districts, taking into consideration the taxable property in each, the location of the bridge, and the advantage of each, to be determined by the commissioners in making contracts for the same, as provided for in section 64 of this Act.

§ 64. CONTRACTS BY COMMISSIONERS OF ADJOINING TOWNS OR DISTRICTS.] For the purpose of building or keeping in repair such bridge or bridges, it shall be lawful for the commissioners of such adjoining towns, or districts, whether they be in the same or different counties to enter into joint contracts, and such contracts may be enforced in law or equity against such commissioners jointly, the same as if entered into by individuals, and such commissioners may be proceeded against jointly

by any parties interested in such bridge or bridges, for any neglect of duty in reference to such bridge or bridges, or for any damage growing out of such neglect.

§ 65. APPROACHES TO BRIDGES ON OR NEAR TOWN OR DISTRICT LINES.] Approaches to all bridges built and constructed under and by virtue of the two preceding sections, shall be built, constructed and maintained by the respective towns or districts within which such approach or approaches may be located, and all approaches to any and all such bridges as have heretofore been built and constructed jointly by two or more districts or towns shall be maintained by the respective districts or towns within which such approach or approaches are now located.

§ 66. WHEN COMMISSIONERS OF ADJOINING TOWNS OR DISTRICTS REFUSE TO ENTER INTO JOINT CONTRACT, BRIDGE MAY BE BUILT AND BONDS ISSUED BY VOTE OF TOWN MEETING OR DISTRICT ELECTION.] Whenever the commissioners of either of such adjoining towns or adjoining districts, shall refuse to enter into such joint contracts to build and maintain such bridge or bridges, the commissioners of the other town or district may submit such question to the annual district election or town meeting or call a special district election or town meeting to vote upon the proposition as to whether such district or town shall proceed to build and maintain such bridge or bridges at its own expense. If such proposed bridge shall require a greater sum of money to complete it than is available to the commissioners by other means, they may also submit the proposition to such annual or special district election or annual or special town meeting, to borrow money to build such bridge. The voting shall be by ballot, and if simply the question as to the building of the bridge is submitted, if the voter desires to vote for building the bridge, his ballot shall state "to build bridge," and if he desires to vote against the proposition, his ballot shall state "against the proposition to build bridge." If the proposition to borrow money to build such bridge shall be included in the notice the maximum amount to be borrowed shall be stated in the same, and the voter desiring to vote affirmatively shall state on his ballot "to build bridge and to borrow money to construct the same;" and if he desires to vote negatively, his ballot shall state "against the proposition to build bridge and to borrow money to construct the same." Such special election shall be called and held in the same manner as is provided in section 61 of this Act. If the proposition to build such bridge shall receive a majority of all the votes cast at such election or meeting the commissioners shall then have the power to contract for the building of such bridge and approaches thereto, the same as if the bridge was entirely located in such district or town, and shall have the power to acquire by purchase, lease or gift, any private bridge already built, suited to the purpose, or any land upon which to build the approaches, or may use for the purpose of such approaches any public highway, that may lead to the bank of the stream where said bridge is to be built on either side of said stream, whether such highway may be within the limits of said town or district or county or not. If the proposition to build such bridge and borrow money to build the same shall receive a majority of the votes cast at such special or annual

election or meeting, the town or district clerk, under the direction of the commissioners, shall issue from time to time, as the work progresses, a sufficient amount in the aggregate of the bonds of said town or district for the purpose of building such bridge and the approaches thereto, or to purchase any private bridge already built, as the case may be, said bonds to be of such denominations, bear such rate of interest, not exceeding eight per cent, upon such time, and be disposed of as the necessities and conveniences of said commissioners may require. Such bonds shall not be sold for less than their par value, and such town or district shall provide for the payment of such bonds and interest by appropriate taxation.

§ 67. *SUIT ON JOINT CONTRACT.*] If the commissioners of either of such towns or districts, after reasonable notice in writing from the commissioners of any other such towns or districts, shall neglect or refuse to build or repair any such bridge when any contract or agreement has been made in regard to the same, it shall be lawful for the commissioners so giving notice to build or repair the same, to recover, by suit, one-half (or such amount as shall have been agreed upon) of the expense of so building or repairing such bridge, with costs of suit and interest from the time of the completion thereof, from the town or district so neglecting or refusing.

SUBDIVISION V.

The Letting of Contracts.

§ 68. *CONTRACTS OF SINGLE TOWN OR DISTRICT.*] The commissioners of highways in each town or district is hereby authorized to contract for the construction and repairing of roads and bridges lying wholly within the limits of his [their] town or district; the cost whereof does not exceed \$200.00. When any contract shall be for a sum in excess of \$200.00, the said commissioners shall not let the same without the approval of the county superintendent of highways. The county superintendent shall keep a record of all contracts approved by him.

§ 69. *CONTRACTS FOR IMPROVEMENTS TO BE CONSTRUCTED BY TWO TOWNS OR DISTRICTS.*] Contracts for constructing and repairing roads and bridges on town or district lines, or across streams on towns or district lines, shall be let by the commissioners of the two towns or districts who shall meet and act together when taking action upon the letting of such contracts for the construction or repair of such roads and bridges, or acceptance of the work. When such contracts are for the expenditure of a sum exceeding \$200.00 they shall not let the same without the approval of the county superintendent as provided in the preceding section.

§ 70. *CONTRACTOR TO FURNISH BOND.*] No contract so made either at public or private letting shall be considered as let unless the contractor shall, within ten days after the letting, enter into contract and file a bond with two good and sufficient sureties with the commissioners, in the penal sum of double the amount of the contract, payable to the commissioners of the town or district, upon failure to comply with the conditions of his or their contract.

§ 71. WHEN CONTRACTS MADE PAYABLE.] All contracts for the construction or repair of roads, or building or repairing bridges shall be made payable as soon as the work on said contract is completed and accepted by the commissioners of highways.

§ 72. IN LETTING CONTRACTS, ETC., COMMISSIONERS MUST NOT HAVE ANY PECUNIARY INTEREST.] In letting contracts, employing labor, or in purchasing tools, machinery or materials, neither the highway commissioners nor the county superintendent of highways shall have, directly or indirectly, any personal pecuniary interest therewith.

SUBDIVISION VI.

Laying Out, Altering, Vacating, Widening Roads.

§ 73. WIDTH OF ROADS.] All public roads established under the provision of this Act shall be of the standard width of forty feet.

§ 74. REDUCING WIDTH OF ROADS.] The commissioners of highways of any town or road district may reduce the width of any existing public road within any town or road district to a width of forty feet when the same is petitioned for by a majority of the land owners along the line of said road, within said town or district. When possible the land so vacated by reducing the width of the road shall be taken equally from both sides of the public highway. In cases of natural obstructions on one side of the public highway or where the said road extends along the right-of-way of any railroad, river or canal, the commissioners are authorized to reduce the width of the road on one side only.

§ 75. ALTERING, WIDENING, VACATING AND LAYING OUT ROADS—PETITION.] Existing roads may be altered, vacated or widened and new roads may be laid out in the manner herein provided for. Any number of land owners residing in any town or road district within two miles of the road to be altered, widened, vacated or laid out, or two-thirds of such land owners, may file a petition with the commissioners of highways of such town or district, praying for the altering, widening, vacation or laying out of said roads. Said petition shall set forth a description of the road and what part is to be altered, widened or vacated, and if for a new road the names of the owners of lands, if known, and if not known it shall so state, over which the road is to pass, the points at or near which it is to commence, its general course, and the place at or near which it is to terminate.

§ 76. HEARING ON PETITION—NOTICE—PRELIMINARY ORDER.] Whenever the commissioners shall receive any such petition they shall fix a time when and a place where they will examine the route of such road and hear reasons for or against the altering, widening, vacating or laying out of the same, and they shall give at least ten days' notice of the time and place of such examination and hearing by posting notices in three of the most public places in the town or district in the vicinity of the road to be widened, altered, vacated or laid out. The commissioners may, by public announcement, and by the posting of a notice at the time and place named for the first hearing, adjourn the said hearing from

time to time, but not for a longer period than ten days in all; and shall at such meeting, or such adjourned meeting, decide and publicly announce whether they shall grant or refuse the prayer of the petition, and shall endorse upon or annex to the petition a brief memorandum of such decision, to be signed by said commissioners and file within five days thereafter in the office of the town or district clerk.

§ 77. APPEAL.] In case the commissioners of highways shall deny the prayer of the petition, the petitioners may appeal from such decision to the county superintendent of highways by joining in a notice of such appeal and filing the same in the office of the town or district clerk within ten days after the date of the decision appealed from. The clerk shall thereupon transmit the original petition for the altering, widening, vacating or laying out of such road, together with the said notice of appeal to the county superintendent of highways. Upon receipt thereof the said county superintendent of highways shall thereupon fix a time and place for a public hearing thereof, giving notice thereof and render his decision thereon in the manner hereinbefore provided in the case of the hearing upon said petition by the commissioners of highways of the town or district. Upon rendering his decision, the said superintendent of highways shall likewise endorse on said petition a memorandum of his decision and shall file the same in the office of the town or district clerk. Such decision of the commissioners of highways, or upon appeal such order of the county superintendent of highways, shall be regarded as a preliminary decision upon the advisability of the proposed improvement, and shall be subject to revocation in the manner hereinafter provided.

§ 78. SURVEYS ORDERED.] If the commissioners of highways, or upon appeal from his [their] decision, the county superintendent of highways, shall enter a preliminary order as aforesaid that the prayer of the petitioner should be granted, the said highway commissioners or county superintendent of highways, as the case may be, shall cause a survey and plat of such road to be made by a competent surveyor who shall report such survey and plat to said commissioners of highways or county superintendent, as the case may be, giving the courses and distances and specifying the land over which said road is to pass; in which he may make such changes between the termini of the road described in the petition, as the convenience and interest of the public in his judgment may require. Upon the petition of twelve land owners residing in the town or district where the road is situated, it shall be the duty of the said commissioners of highways or county superintendent, as the case may be, within a reasonable time to employ a competent surveyor and have any road designated in such petition to be once [re]surveyed.

§ 79. DAMAGES TO BE DETERMINED.] Whenever the commissioners of highways of any town or road district or upon appeal from their decision, the county superintendent of highways has entered a preliminary order as aforesaid for the establishment, vacation, widening or alteration of a road, and a survey therefor has been completed as hereinbefore provided, proceedings shall next be taken to fix the damages

which will be sustained by the adjoining land owners by reason of such alteration, vacation, widening or laying out. In case such preliminary order was entered by the commissioners of highways, they shall act for the town or district in all matters relating to the fixing of damages, as well as the surveying of such road. But in case such order was entered by the county superintendent of highways on appeal, as aforesaid, the said county superintendent shall represent the said town or district in such matters.

§ 80. DAMAGES MAY BE AGREED UPON.] The damages sustained by the owner or owners of land by reason of the establishment, alteration, widening or vacation, as aforesaid, may be agreed upon by the owners of such lands if competent to contract, and the commissioners of highways or county superintendent, as the case may be. Such damages may also be released by such owners, and in such case the agreement or release shall be in writing, the same shall be filed and recorded with the copy of the order establishing, altering, widening or vacating such road in the office of the town or district clerk, and shall be a perpetual bar against such owners, their grantees and assigns for all further claims for such damages.

§ 81. INDUCEMENTS MAY BE OFFERED.] Any person or persons interested in the establishment, alteration, widening or vacation of any public road in this State, are hereby authorized to offer inducements to the commissioners of highways or county superintendent of highways, as the case may be, for the establishment, alteration, widening or vacation of any such road, by entering into contract with said commissioners or county superintendent, conditioned upon such establishment, alteration, widening or vacation, to pay money or other valuable thing to the town or district for the benefit of the road or bridge funds of the same; or to perform any labor, or construct any road, bridge or culvert on any road which said person or persons desire to be established, widened or altered. Any such contracts in writing made with said commissioners of highways or county superintendents shall be deemed good and valid in law and may be enforced by said commissioners or superintendent, or his or their successors in office, before any court having jurisdiction.

§ 82. SUMMONING JURY TO ASSESS DAMAGES—SUMMONS TO OWNERS.] In case such damages are not released or agreed upon as in the preceding section specified, the commissioners, or in case of appeal the county superintendent of highways, shall, within ten days from the date of the meeting at which it was decided to grant the prayer of the petition, make a certificate that he is about to establish, widen, vacate, or alter a public road, describing such road, vacation, widening or alteration, and the land over or on which such road is to be established, altered, widened or vacated, and naming the owners of such lands, if known, and if not known, stating the fact and asking for a jury to assess the damages of such owners, and shall present such certificate to some justice of the

peace of the county, who, on receipt of the same, shall, within five days, issue a summons against the land owners concerned, which summons shall be in the following form as nearly as the case will admit, viz:

State of Illinois, }
County, } ss.

The People of the State of Illinois, to any constable of said county—

GREETING:

You are hereby commanded to summon to appear before me at on the.... day of..... at.....o'clock, and prove to a jury then and there to be empaneled, such damages as (he or they) may sustain on account of the establishing, altering, widening or vacating the road described in a certificate of the commissioners of the town of or road district No. (or county superintendent of highways acting for said town or road district No.) in said county, which certificate is now on file in my office.

Given under my hand and seal this day of, 19....

Justice of the Peace.

In which summons the justice shall specify a certain place, day and hour for the trial, not less than six nor more than fifteen days from the date of such summons, at which time and place such land owners are to appear. Such summons shall be served at least three days before the time of trial mentioned therein, by reading the same to the land owners therein named.

§ 83. IF OWNER INFANT, ETC., HOW SERVED.] If any such owner is an infant, such summons shall be served by delivering a copy to the infant and its guardian, if any; if no guardian, the person with whom he or she resides. If any owner is a lunatic or habitual drunkard, having a conservator, or insane, by delivering a copy to his conservator, if any.

§ 84. NOTICE TO NON-RESIDENT OWNERS—CONTINUANCE.] In case it shall appear, either from the certificate of the commissioners or county superintendent of highways, the affidavit of any person, or the return of any officer to whom the notice may be delivered for service, that there are non-resident or unknown owner or owners who cannot be found and served within the county, such justice shall also cause notice to be delivered to the occupant of such lands, and the contents and nature thereof to be made known to such occupant and also to be posted in three of the most public places in the vicinity of such proposed road or alteration, at least ten days before the time fixed in the summons for hearing proof of damages, stating the time and place, as stated in said summons, and describing the road to be established or altered, and the lands for which damages are to be assessed; and in case service is made upon any owner by posting notices as above provided, the justice shall continue said hearing for a period not exceeding twelve days.

§ 85. MANNER OF SELECTING JURY—CHALLENGE.] Such justice shall also forthwith issue a venire directed to any constable of the

county, to summon six persons having the qualifications of jurors to appear at such time and place as may be designated for the proving of such damages, whose competency shall be determined the same as in other civil cases before justices of the peace. Either party to the case shall have the same right of challenge as in other civil cases; and any deficiency in the number of jurors, from whatever cause, shall be supplied by summoning other persons residing in such county: *Provided*, that not more than one-half of such jury shall be residents of the town or district liable to pay the damages assessed in the case: *Provided, further*, that changes of venue may be granted, if applied for before the commencement of the trial, in the same manner as in other civil causes before justices of the peace.

§ 86. OATH TO JURY—TRIAL TO BE CONDUCTED AS IN OTHER CIVIL CASES.] The jury shall appear before and be sworn by such justice faithfully and impartially to assess the damages of each of the owners specified in such certificate, or those of them whose claims are then to be adjusted, according to law, to the best of their judgment and understanding; and all parties in interest shall be entitled to subpoenas and other writs and papers, and the trial shall be conducted as in other civil cases.

§ 87. TRIAL—VERDICT—JUDGMENT DAMAGES—BENEFITS.] The case shall be entitled, "Town of.....(or road district No.....) vs....." (whoever may be summoned as land owners), and the jury shall hear such lawful evidence touching the question of such damages as may be presented to them; and they shall also, on request of the commissioners of highways or county superintendent of highways, as the case may be, or owners of lands whose damages are to be determined, in a body visit and examine the proposed location, alteration, widening or vacation of such road and the lands to be taken or affected thereby, and make a written verdict specifying the amount of damages, if any, which every such owner shall recover, and return the same to such justice, to be by him entered on his docket in the nature of a judgment: *Provided*, that in estimating the damages, except damages to land actually taken for a road, the jury may consider the benefits conferred; but no benefits enjoyed in common by the owners of surrounding property shall be considered in estimating damages.

§ 88. APPEAL.] Any person or persons interested in the verdict of any jury in assessing damages in opening, altering or vacating any road, may appeal from such decision to the county or circuit court within ten days after such decision has been rendered, by filing a written petition with the justice of the peace, from whose decision they desire to appeal, asking for an appeal and stating on what grounds such appeal is taken.

§ 89. COSTS OF APPEAL—APPEAL BOND.] Any parties taking appeal from the verdict of the jury as aforesaid, shall file a sufficient bond with the justice of the peace, before taking such appeal, conditioned for the payment of the cost of such appeal in case the verdict of the jury is in all things sustained or the appeal dismissed; if the verdict of the jury shall not be sustained, the district shall pay the costs of such appeal.

When such appeal is taken from the verdict of the jury called by the justice of the peace to assess damages as aforesaid, and when the commissioners of highways or county superintendent, as the case may be, shall be unable to agree with the owners of lands in regard to such damages, then all proceedings shall cease until the amount of damages is settled by the county or circuit court on appeal as aforesaid.

§ 90. FINAL ORDER OF HIGHWAY COMMISSIONERS OR COUNTY SUPERINTENDENT OF HIGHWAYS.] Within twenty days after the damages likely to be sustained by reason of the proposed laying out, alteration, widening or vacation of any road shall have been finally ascertained, either by agreement of the parties or by trial in a court of the justice of the peace, or on appeal to the county or circuit court, or within twenty days after such damages may have been released, as aforesaid, the commissioners of highways shall hold a public hearing at which they shall hear and consider reasons for or against the proposed laying out, widening, alteration or vacation of such road, and at which time and place they shall publicly announce their final decision relative thereto. The commissioner[s] of highways shall give public notice of such public hearing by posting notices thereof in at least three of the most public places in the town or district for at least five days prior thereto. At such time and place the commissioners of highways shall determine upon the advisability of such proposed laying out, widening, alteration or vacation of such road and shall make an order for the same and shall within five days thereafter file such order in the office of the town or district clerk.

§ 91. APPEAL FROM FINAL COMMISSIONERS' ORDER.] From such order of the commissioners of highways finally determining the advisability of such proposed laying out, alteration, vacation or widening of any road, any person interested therein may appeal to the county superintendent of highways by filing a notice of such appeal in the office of the town or district clerk within ten days of the date of filing the decision appealed from. Thereupon such clerk shall at once transmit all papers relating to such proposed laying out, alteration, vacation or widening of such road to the county superintendent of highways, who shall within twenty days after the receipt of the same, hold a public hearing within such town or district to finally determine upon the laying out, vacation, widening or alteration of such road. Such hearing shall be upon such notice and conducted in like manner as the hearing before the commissioners of highways relative to such final decision and from which appeal has been taken. The final order of the county superintendent of highways, relative to such proposed laying out, alteration, widening or vacation of such roads shall be filed with the town or district clerk within five days from the date of such public hearing.

§ 92. EFFECT OF FINAL ORDER.] In case the commissioners of highways, or upon appeal from their decision the county superintendent of highways, shall finally determine as aforesaid against the advisability of the proposed laying out, alteration, widening or vacation of such road, such order shall have the effect to annul and revoke all proceedings and

assessments, releases and agreements in respect to damages growing out of the proceedings upon the petition aforesaid. In case the commissioners or county superintendent shall not revoke such prior proceedings, he or they shall make an order to be signed by him or them, declaring such road to be altered, widened, vacated or laid out as a public highway and which order shall contain or have annexed thereto a definite description of the line of such road, together with the plat thereof. The commissioners of highways or county superintendents, as the case may be, shall file within five days from the date of his final order, cause the same, together with the report of the surveyor, the petition and the releases, agreements or assessments in respect to damages, to be deposited and filed in the office of the town or district clerk; who shall note upon such order the date of such filing. It shall be the duty of such clerk to record such order, together with the plat of the surveyor in a proper book to be kept for that purpose.

§ 93. PROCEEDINGS SUBSEQUENT TO FINAL ORDER.] After it has been finally determined that a road shall be laid out, widened, altered or vacated, either by the commissioners of highways, or upon appeal, by the county superintendent of highways, all proceedings subsequent thereto on behalf of the town or district shall be taken by the commissioners of highways thereof as hereinafter provided. And such commissioners of highways in such cases are hereby authorized and empowered to resort to all necessary proceedings not inconsistent with the provisions of this Act to secure the laying out, widening, alteration or vacation of any such road.

§ 94. RECORDS OF TOWN OR DISTRICT CLERK—EVIDENCE—EFFECT OF SAME.] The records of the town or district clerk, or a certified copy of such record and papers, relating to the establishment, location, alteration, widening or vacation of any road shall be *prima facie* evidence in all cases that all the necessary antecedent provisions have been complied with, and that the action of the commissioners or other persons and officers, in regard thereto, was regular in all respects.

§ 95. LIMITATIONS OF TIME TO OPEN.] All roads laid out as herein provided shall be opened within two years from the time of laying out the same. If the damages resulting from the establishing of such roads shall not be paid within ninety days from the time of the final determination to open the same as aforesaid, such new roads shall be deemed to be vacated.

§ 96. REMOVAL OF FENCES—NOTICE.] Whenever a public road is ordered to be established or altered, according to the provisions of this Act, which road shall pass through or on enclosed land, the commissioners of highways shall give the owner or occupant of such land sixty days notice in writing, to remove the fences. If such owner or occupant does not remove the fence or fences within sixty days after such notice, the commissioners shall have the same removed, and direct the road to be opened and worked; the owner of such premises shall pay all necessary costs of the removal, and the same may be recovered by the commissioners of highways in any court of competent jurisdiction.

§ 97. CROPS—REMOVAL OF.] When any road opened according to the provisions of this subdivision shall pass over enclosed lands, the owners of such lands shall have a reasonable time, not exceeding eight months, to be designated by the commissioners of highways to harvest crops and remove fences which may be on such lands before such road or cartway shall be opened.

§ 98. PRIVATE ROADS.] Roads for private and public use of the width of three rods or less, may be laid out from one dwelling or plantation of an individual to any public road, or from one public road to another, or from a lot of land to a public road, or from a lot of land to a public waterway, on petition to the commissioners by any person directly interested. Upon receiving such petition, proceedings shall be had respecting the laying out of such road as in the case of public roads. In case the commissioners of highways or upon appeal, the county superintendent of highways shall enter a preliminary order for the laying out of such road, the said highway officer or officers making such preliminary order shall, if possible, and the parties are competent to contract, agree upon the total amount of damages, together with the portion thereof to be paid by the town or district, as well as by each of the land owners benefited by such private road. In case such damages cannot be determined or apportioned by agreement, the same shall be fixed as in the case of public roads. The amount of such damages shall be paid by the persons benefited thereby, to the extent and in proportion that they are benefited as determined and declared by the court. The remainder of the amount of damages over and above that to be paid by the parties aforesaid, shall be paid by the town or district as in other cases. The amount of damages to be paid by individuals shall be paid to the parties entitled thereto, before the road shall be opened for use. In all other respects the provisions of this Act relative to the opening, vacation, alteration or widening of public roads shall be applicable also to the laying out, alteration, widening or vacation of private roads.

§ 99. ROADS ON TOWN OR DISTRICT AND COUNTY LINES, ETC.] Public roads may be established, altered, widened or vacated on county or township or district lines, or from one township or district to another, and in case a railroad right of way or stream of water joins the boundary line of such county line, then along the line of such railroad right of way or stream of water, in the same manner as other public roads, except that in such cases, a copy of the petition shall be posted up in and presented to the commissioners of each town or district interested; said petition to be as in other cases, and signed by not less than twelve, or two-thirds of the owners of land residing thereon, in either township or district or county within two miles of the road to be so altered, widened, vacated, located or laid out. Whereupon it shall be the duty of the commissioners of the several towns or districts to meet and act together, in the same time and manner as in other cases, in considering the petition, viewing the premises, adjusting damages, and making all orders in reference to such proposed road, alteration, widening or vacation, and a copy of all final orders and plats and papers shall be filed

and recorded in each of the counties and towns or districts interested. In case the said commissioners are unable to agree, the county superintendent of highways shall act as arbitrator between them in case the towns or districts shall lie within the same county, and if in different counties the State Highway Commission or any person designated by him, shall so act. All appeals hereinbefore provided for may likewise *to be taken to the county superintendent of highways, or in case the towns or districts shall lie in two or more counties, to the State Highway Commission.*

§ 100. COMMISSIONERS TO ALLOT ALL OR PART OF ROAD TO EACH TOWN OR DISTRICT—ALSO TO DIVIDE DAMAGES AND EXPENSES—ARBITRATION.] The commissioners shall also, in case a new road is established, allot to each of such towns or districts the part of such road which each of such towns or districts shall open and keep in repair, and the part so allotted shall be considered as wholly belonging to such town or district. They shall also divide the expenses and damages which may accrue from such location, widening or alteration, and if they cannot agree, they shall refer the matter to the county superintendent of highways or in case the towns or districts shall lie in two or more counties, to the State Highway Commission, whose decision shall be final.

§ 101. ROADS HERETOFORE LAID OUT ON COUNTY OR DISTRICT OR TOWN LINES.] All roads heretofore or hereafter laid out upon town or district or county lines shall be divided, allotted and kept in repair in the manner as hereinbefore directed. Any public road that is or shall be laid out on any county or town or district line, and in case a railroad right of way or stream of water forms the boundary line of town or district or county, or crowds the public road off from such town or district or county, then the road alongside such railroad right of way or stream of water, shall be held to be a road on a county or town or district line, although owing to the topography of the ground along such county or town or district line, or at the crossing of any stream of water the proper authorities in establishing or locating such road may have located a portion of the same to one side of such county or district or town line or railroad right of way, or stream of water, and the expenses of keeping in repair such road shall be assessed by each town or district or county interested.

§ 102. STATE LINE ROADS.] Roads may be laid out and opened upon the line between this and any adjoining state, as provided in the preceding sections, whenever the laws of such adjoining state shall be applicable.

§ 103. WHERE ROAD PROPOSED ACROSS OR ALONGSIDE RAILROAD—NOTICE.] In addition to the notices now required by law in proceedings for laying out, locating or opening of public roads, similar notices shall be served on any railroad company across or alongside of whose railroad it may be proposed to locate a public road: *Provided*, that this Act shall not apply to the proceedings for opening streets in towns or cities.

§ 104. NOTICES ON RAILROAD COMPANIES—HOW SERVED.]. The notices as provided by this Act shall be served by delivering a copy thereof to the station agent of any such railroad company nearest to the proposed location of such projected public roads.

SUBDIVISION VII.

Repair and Maintenance of Roads and Bridges.

§ 105. HOW ROADS TO BE GRADED—WALK—PENALTY FOR DRIVING ON CROSSINGS.]. In grading roads, wherever practicable, it shall be done so as to leave not less than one-tenth of the width of the road on each side for a sidewalk; and the space between these points shall be made a regular oval grade so that the entire space can be used for traveling purposes; and it shall be unlawful to ride or drive on such walk; and any person so offending shall be subject to a fine of \$1.00 for each offense. Grading shall be done before the first of September in each year. Corner stones marking sectional or other corners shall not be disturbed, except to so grade the road that these, if in the line of travel shall not rise above the surface, and corner stakes shall be replaced by good and substantial stones. In grading public roads, if a ditch is made at the junction of roads, or at the entrance of gates or other openings of adjoining premises, the road authorities shall construct good and sufficient culverts, or other convenient crossings.

§ 106. SIDEWALKS IN UNINCORPORATED VILLAGES.]. Highway commissioners are hereby authorized to build sidewalks in unincorporated villages out of any delinquent road tax belonging to the town or road district in which such village is located.

§ 107. (A) ROAD DRAGS—AUTHORITY AND USE.]. The commissioners of highways in the several towns or districts and the county boards in the counties of this State are hereby authorized to have earth roads dragged at all seasons of the year whenever the surface of the roads becomes rough so they will not properly shed the water which falls upon them; and they may contract, a preference to be given adjoining land owners or tenants, to have a given piece of road dragged at a rate not to exceed one dollar (\$1.00) per mile for each time dragged, if such work is done during the months of December, January, February or March, and not to exceed a rate of seventy-five (75) cents per mile for each time dragged, if such work is done during other months of the year than aforesaid: *Provided*, that the width required by the highway commissioners to be dragged shall be not less than fourteen (14) feet, if the width of roadway will permit: *Provided, also*, that the dragging is done as nearly as practicable in accordance with the instructions of the highway commissioners of the town or district.

(B) OBSTRUCTING DRAINAGE.]. It shall be unlawful for any person or persons to place loose earth, weeds, sods, or other vegetable matter on the portion of a road which has been dragged and so maintained in good condition, or to place any material in such a manner as to interfere

with the free flow of water from the dragged portion of the road to the side gutters or ditches: *Provided*, that this restriction shall not apply to deposits of earth or other material that may be made by the authority of the proper road officials, if necessary for filling or raising the elevation of a given section of road or other necessary construction work.

TRAVEL REGULATED.] It shall also be unlawful for any person or persons to drive or cause to be driven a vehicle of any description in or upon any portion of the highway immediately after the same has been dragged and before such portion of the highway shall have partially dried out or frozen: *Provided*, that nothing in this section shall apply in those instances where it is impossible to drive with safety at one side of said dragged portion of the road, or where a vehicle does not make a rut on such dragged portion of the road, injurious to the work accomplished by use of the road drag, or where a vehicle does not make a rut nearer than nine (9) feet from the center of the dragged portion of the road.

SUBDIVISION VIII.

Gravel, Rock and Macadam—Hard Roads.

§ 108. PETITION FOR ROAD—NOTICE—ELECTION—VOTE—RATE PER CENT.] On the petition of twenty-five per cent of the land owners who are legal voters of any township to the town clerk thereof, in counties under township organization or road districts in counties not under township organization, to the district clerk, he shall, when giving notice of the time and place for holding the next annual town meeting or road district election, also give notice that a vote will be taken at said election or meeting for or against an annual tax not to exceed one dollar on each one hundred dollars assessed valuation of all the taxable property, including railroads in the township or road district, for the purpose of constructing and maintaining gravel, rock, macadam or other hard roads. Said petition shall state the location and route of the proposed road or roads, and shall also state the annual rate per cent not exceeding one dollar on each one hundred dollars, and the number of years not exceeding five, for which said tax shall be levied. If in any such petition a special election shall be requested for such purposes it shall be called in the manner provided for calling special elections in section 112 of this Act.

§ 109. BALLOTS.] The ballots at said election shall be substantially in the following form:

For special tax for gravel, rock, macadam or other hard roads.	Yes	
	No	

§ 110. DUTY OF COMMISSIONERS—TAX DONATIONS.] If a majority of all the ballots cast at said election on said proposition shall be in favor of said special tax, then it shall be the duty of the commissioner of highways of the township or road district to levy an annual tax in accordance with said vote and certify the same to the county clerk. He

shall also cause a copy of such certificate of levy to be filed in the office of the town or district clerk as provided in section 57 of this Act. The county clerk shall cause such levy, thus certified to him to be extended on the tax books for the current year and for each succeeding year, as stated in the certificate so filed with him: *Provided*, that the length of time for which the special tax levy shall continue shall not exceed five years. The commissioner may also receive donations in money, labor, materials or other valuable things, to aid in the construction of said road.

§ 111. LEVY AND COLLECTION OF TAX.] The county clerk, when making out the tax books for the State and county tax for the collector, shall in each year for the number of years stated in such certificate extend the special tax in separate columns against each tax payer's name or taxable property, as other taxes are extended, which shall be collected the same as State and county taxes, and known as the permanent road fund.

§ 112. BORROWING MONEY. On the petition of the commissioners of highways, in his official capacity, and of one hundred of the free holders of any town or district (or where there may be less than two hundred such free holders, then a majority of them) to the town or district clerk requesting him, when giving notice of the time and place for holding the next annual town meeting or road district election, to also give notice that a vote will be taken at said election or meeting on the proposition, "For borrowing \$. (to construct or maintain gravel, rock, macadam or other roads, or to construct or repair any bridge or bridges, or to construct or to repair any other distinctive work on the road)," he shall, when giving notice of the time and place for holding the next annual town meeting or road district election, also give notice, that a vote will be taken at said election or meeting upon the proposition, "For borrowing \$. (to construct or maintain gravel, rock, macadam or other roads, or to construct or repair any bridge or bridges, or to construct or repair any other distinctive work on the road)."

If in any such petition a special election shall be requested for such purpose, it shall be called as follows:

Upon the filing of such petition the town or district clerk shall call such special town or district election by posting up in ten of the most public places in said town or district, at least ten days prior to the day fixed for said special town or district election, notice of such special town or district election, which notices shall state the filing of said petition, the time and place of said special election, and that a vote will be taken at said election or meeting upon the proposition, "For borrowing \$. (to construct or maintain gravel, rock, macadam, or other roads, or to construct or repair any bridge or bridges, or to construct or repair any other distinctive work on the road)," and the manner in which the voting is to be had.

Such special election shall be held at the place of the last annual town or district election, and returns thereof shall be made in the same manner as other special or district elections are now or may hereafter be provided by law.

The vote at such regular or special election shall invariably be by a separate ballot and shall be in the following form:

For borrowing \$. to construct or main-	Yes	
tain gravel, rock, macadam or other roads.	No	

And if it shall appear that a majority of the legal voters voting at said election on said proposition voted in favor of said proposition, the commissioners of highways and the town or district clerk, as the case may be, shall issue (from time to time as the work progresses) a sufficient amount, in the aggregate, of the bonds of said town or district for the purpose of building and maintaining gravel, rock, macadam or other roads, or for the purpose of constructing or repairing such bridge or bridges, or for the purpose of constructing or repairing such other distinctive work on the road as the case may be. Said bonds to be of such denominations, bear such rate of interest, not exceeding five per cent, upon such time, and be disposed of as necessities and convenience of said town or district may require: *Provided*, that said bonds shall not be sold or disposed of either by sale or by payment to contractors for labor and materials for less than their par value; such bonds to be issued in not more than ten annual series; the first series of which shall mature not more than five years from the date thereof and each succeeding series in succeeding years thereafter. A register of all issues of said bonds shall be kept in the office of the county clerk of the county in which said township or district is located, showing the date, amount, rate of interest, maturity, and the purpose for which said bonds were issued, which information shall be furnished to the county clerk in writing by the town or district clerk, and it shall be the duty of such county clerk to extend annually against the property in said township or road district a tax sufficient to pay the interest of said bonds in each year prior to the maturity of such first series and thereafter he shall extend the tax in each year sufficient to pay each series as it matures, together with interest thereon and with the interest upon the unmatured bonds outstanding. Such bonds may be lithographed and the interest for each year evidenced by interest coupons thereto attached, which shall be signed by the same officers who executed by original or *fac-simile* signatures the bonds: *Provided, however*, that the amount, including the principal and interest to be voted upon, shall not exceed the amount which can be raised during a period of five years by a levy of one dollar per year on each one hundred dollars of taxable property as taken for

assessment purposes in such town or district; the proceeds of said bonds to be paid to the treasurer and to be disbursed by him upon the order of the commissioners of highways.

§ 113. DUTY OF TREASURER.] The treasurer of the road and bridge fund of any town or district before receiving any of said fund herein provided for, shall execute a good and sufficient bond, with two or more sureties, to be filed with the town clerk or district clerk, as the case may be, for the benefit of the town or district, in double the amount which will probably come into his hands by virtue of this subdivision of this Act.

§ 114. TAX COLLECTOR—DUTY—COMMISSION.] The tax, when collected, shall be paid to said treasurer as fast as collected, except such rate per cent as shall be allowed for collecting the same, and said tax shall be known and kept as the permanent road fund. The treasurer shall be allowed one per cent on all of said fund that comes into his hands.

§ 115. SURVEYS, ESTIMATES, ETC.] Whenever it shall be voted to construct gravel, rock, macadam or other hard roads in any township or district it shall be the duty of the county superintendent of highways of the county in which said township so voting is located to at once survey (or cause to be surveyed) the route of the road thus to be improved, and to prepare suitable maps, plans, specifications, and estimates of the cost of the proposed improvement. The county superintendent of highways shall divide the same into convenient sections, each of which shall be numbered. The county superintendent of highways, upon the completion of said maps, plans, specifications, and estimates, shall file one copy of the same with the town or district clerk of the township wherein the proposed road is to be constructed and one copy with the commissioners of highways of said township.

§ 116. PLANS—BIDS—NOTICE.] When the plans and specifications are completed, the commissioners shall advertise for sealed bids for said work, by publishing a notice thereof for at least three weeks in some newspaper published in said township or road district. If there is no newspaper published therein, then in the newspaper published nearest said township or road district, and also by posting notices in at least ten of the most public places in said town or road district.

§ 117. PLANS AND SPECIFICATIONS—WHAT TO CONTAIN.] The plans and specifications shall provide for the grading of a road-bed of not less than 20 feet in width on the surface, and so constructed as to drain freely to the sides and with all necessary side and lateral ditches and tile drains, bridges and culverts, and a track laid with gravel, rock, macadam, or other hard and durable substance, not less than seven nor more than sixteen feet in width, and if constructed of gravel or broken stone, not less than ten inches thick in the center, and eight inches thick on the edges: *Provided, however*, this section shall be considered as directory only, and shall not prohibit the making of roads of different width or thickness, in the discretion of the commissioners.

§ 118. COMMISSIONERS—OPENING BIDS—FAILURE TO GIVE BOND.] The commissioners shall appear at the time and place appointed, for the

purpose of opening the bids and shall proceed to let the contract publicly to the lowest responsible bidder or bidders by sections, with proper specifications of the various kind of labor or material on each section, and bidders shall be required to separately state their bids for each class of work in such manner as the commissioners may provide, and each contractor shall be required to give bond with good and sufficient sureties for the performance of his contract, payable to the commissioners for the use and benefit of the town or district with the necessary specifications and stipulations on the part of the contractor entered therein: *Provided, however,* no contract in excess of the sum of two hundred dollars (\$200.00) shall be let by the commissioners of highways in any town or district without the approval of the county superintendent of highways. No commissioner shall be interested either directly or indirectly in any contract relating in any manner to said road.

§ 119. MAY REJECT BIDS.] If the commissioners of highways shall be of the opinion that the bids are too high, they may reject the same. No contract shall be deemed as let unless the contractor shall, within ten days after the letting, enter into contract and file a bond with two good and sufficient sureties with the commissioners, in the penal sum of double the amount of the contract, payable to the commissioners of highways upon the failure to comply with the conditions of his or their contract.

§ 120. ESTIMATE—PAYMENT OF CONTRACTOR.] The county superintendent of highways shall make estimates of the work done, and certify the same to the commissioners of highways of said township, not oftener than once in thirty days, as may have been provided in the contracts, and the said commissioners of highways shall then issue an order on the treasurer in favor of the contractor, reserving not less than 20 per cent of said estimates, to guarantee the completion of the contract. Upon the completion of the contract the commissioners and the county superintendent of highways shall make a thorough and complete examination and estimate of said work, and, if found in accordance with the specifications of the contract, the commissioners, upon the certificate of the county superintendent of highways, shall issue his order on the treasurer for the full amount due the contractor.

§ 121. RECORD—REPORT—SETTLEMENT.] The commissioners shall keep a full and accurate record of all their proceedings under this Act, and shall, upon the completion of the road, file with the town or district clerk all records, papers, plans, plats, estimates, specifications and contracts, and shall make a full report to, and settlement with the board of town auditors or district clerk as provided in section 50 of this Act. If the commissioners fail to make such settlement, the supervisor or board of county commissioners shall cause an action to be instituted against them in the corporate name of the township or road district to enforce such settlement.

§ 122. CONSTRUCTION OF ROAD—MATERIAL.] The commissioners and the county superintendent of highways may, in their discretion, cause the road to be constructed wholly of earth, and by a thorough

system of tile and other drainage, when gravel, stone and other suitable hard materials can not be obtained at a cost within the means in the hands of the commissioners.

§ 123. COMMISSIONERS MAY TAKE MATERIALS.] The commissioners, for the purpose of constructing, maintaining or repairing gravel, rock, macadam or other hard roads, as provided in this subdivision and for procuring materials therefor, may enter upon lands of others, doing no more damage than the necessity of the case may require, and take therefrom such material as is necessary for the construction and repairing of said roads: *Provided*, that the commissioners of highways, their employees, or teams, shall not enter upon such lands for the purpose in this section stated, without having paid or tendered the amount of damage allowed or agreed upon: *Provided*, that the commissioners and the party or parties owning or controlling the lands to be entered upon, or from which material is to be taken, cannot agree as to the amount of damage or value of material, that the amount of damage shall be determined as provided for in the law for exercising the right of eminent domain.

§ 124. COMPENSATION OF COMMISSIONERS AND EMPLOYEES.] The commissioners shall receive the same compensation for their services under this subdivision of this Act as for services under the common road law: *Provided, however*, they shall not receive benefit for both kinds of service on the same day. The assistants or employees shall receive such reasonable compensation as may be agreed upon. The commissioners shall be paid out of the road and bridge fund of the town or district. The other employees shall be paid by the commissioners out of the permanent road and bridge fund and none other.

§ 125. EXTENSION OF ROAD WITHIN CITY OR VILLAGE.] Whenever a special tax shall have been levied under the provisions of this subdivision of this Act, the commissioners of highways of any town or district may, by agreement with the city council or board of trustees of any city or village of less than 10,000 population, extend any road improved under the provisions of this subdivision within or through the corporate limits of such city or village: *Provided*, such extension within such city or village shall be of the same cost and kind of material as the road outside such city or village, to be paid for out of said special tax and after completion to be maintained by the municipal authorities of such city or village at the cost of such city or village.

§ 126. POWERS OF COUNTY BOARD.] The several county boards of counties are hereby vested with the same powers for constructing, repairing and maintaining gravel, rock, macadam or other hard roads in their respective counties as the commissioners of highways acting severally or together or with the several county superintendents of highways according to the provisions of this Act. The county board of any county may also assist any town or road district therein in the construction of a hard road under the provisions of this Act, to the extent of twenty-five per cent of the cost thereof: *Provided, however*, that the question of raising a special permanent road tax or of issuing bonds for the purposes set forth in this Act, shall first be submitted to the legal voters

of the county, at any regular election for county officers; on the petition of one hundred land owners who are legal voters in said county, to the county clerk, previous to time of posting the notices for said county election, said petition and notices to designate the road or roads to be improved and number of years, not to exceed five, for which the tax shall be continued.

§ 127. **BALLOTS—ELECTION—TAX.**] The ballots to be used at elections provided for in the preceding section shall be in the form prescribed in section 109 of this Act. If a majority of all the ballots cast at said election shall be in favor of the special permanent road tax, it shall be the duty of the county board to direct the county clerk to extend such tax against all the taxable property, including railroads in said county, and proceed in the construction of the road or roads voted for in the same manner as provided for the guidance of commissioners of highways in their respective towns or districts.

§ 128. **ROADS TO BE FREE.**] All roads constructed under the provisions of this subdivision of this Act, either by towns or districts or counties shall be free for public travel and kept in repair by the proper authorities thereof.

§ 129. **SURPLUS FUND.**] All surplus funds remaining in the hands of the treasurer of the town or district after the completion of any road provided for under this subdivision of this Act shall be turned over to the common road fund of said town or road district, as the case may be, except so much thereof as the commissioners may order retained for the purpose of repairing said permanent road.

ARTICLE VII.

CERTAIN PROVISIONS APPLICABLE GENERALLY TO HIGHWAY OFFICIALS.

§ 130. **TILE DRAINS—CONTRACT WITH OWNERS.**] Whenever the commissioners of highways are about to lay a tile drain along any public road other than a State aid road, or the State Highway Commission or county superintendent of highways is about to lay such tile drain along a State aid road, the said highway commissioner[s], State Highway Commission, or county superintendent of highways, as the case may be, shall have the power to contract with the owners or occupants of adjoining lands to lay larger tile than would be necessary to drain the road, and to permit connection therewith by such contracting parties to drain their lands: *Provided*, that all such contracts on roads other than State aid roads for a sum in excess of \$200.00 shall be made on behalf of any town or road district by the highway commissioners thereof, with the consent of the county superintendent of highways.

§ 131. **WILLOW HEDGES—PUBLIC NUISANCE.**] Where willow hedges, or a line of willow trees have been planted along the margin of a road, so as to render tiling impracticable, the commissioners of highways if the road be other than a State aid road, and the State Highway Commission or the county superintendent of highways, if the road be a State aid

road, may contract with the owner for their destruction; and they shall be destroyed before tiling. The planting of these trees hereafter on the margin of roads is hereby declared to be a public nuisance.

§ 132. CARRIAGES MAY BE KEPT OFF HIGHWAYS—WHEN.] The proper highway officials are hereby authorized to keep carriages and vehicles of every kind off the public highways wherever necessary to properly repair the same.

§ 133. COMMISSIONERS MAY ENTER LANDS TO OPEN DITCHES, ETC.—WHEN OWNER WILL NOT CONSENT—PROCEEDINGS.] The highway commissioners of the towns and road districts are hereby authorized to enter upon any land adjacent to any highway in their respective towns or districts for the purpose of opening any ditch, whenever it shall be necessary to open a water course from any highway to the natural water course; and to dig, open and clean ditches upon said land for the purpose of carrying off the water from said highways; or to drain any slough or pond on said highways: *Provided*, that unless the owner of such land, or his agents, shall first consent to the cutting of such ditches, the commissioners shall apply to any justice of the peace of the county in which such road is situated for a summons, directed to any constable of said county, commanding him to summon the said owner to appear before the said justice, at a time and place specified in such summons, not less than five nor more than fifteen days from the date thereof, for the purpose of having the damages assessed which such owner may sustain by reason of the digging or opening of such ditches or drains. The said summons shall be under the hand of such justice and be served in the same manner as summons is now served in civil actions before justices of the peace. On the return of such summons, a venire shall be issued for a jury, as in other cases in the trial of civil actions before justices of the peace, which jury shall assess such damages and render a verdict therefor. Whereupon judgment shall be entered by the justice in accordance with the verdict. If either party shall feel aggrieved by such judgment, an appeal may be taken as in other cases: *Provided*, bond is filed within five days from the time of entering of the judgment. If no appeal is perfected within five days the amount so awarded shall be paid before the commissioners of highways shall be warranted and empowered to enter upon such lands and dig, open and clean such drains, ditches and water courses as aforesaid for the purposes contemplated in this Act. The commissioners are authorized to use the poll tax and road money of their town or district for the payment of such judgment: *Provided*, that not more than one-half of such jury shall be residents of the town or district which is liable to pay the damages: *Provided, further*, that in case the owner of said lands is a non-resident, service may be had by leaving a copy with the occupant or agent, or by notice in the same manner as prescribed in section 84 of this Act.

§ 134. MATERIAL FOR CONSTRUCTING ROADS—EMINENT DOMAIN.] The State Highway Commission, the State Highway Engineer, the county superintendent of highways and the commissioners of highways

of any town or district, for the purpose of constructing, maintaining or repairing gravel, rock or other roads, and for procuring material therefor, may enter upon lands of others, doing no more damage than the necessity of the case may require, and take therefrom such material as is necessary for the construction or repair of said roads: *Provided*, that such State Highway Commission, State Highway Engineer, county superintendent or commissioners of highways, their employees or teams shall not enter upon such lands for the purpose stated in this Act without having paid or tendered the amount of damages allowed or agreed upon: *And, provided, further*, if such State Highway Commission, State Highway Engineer, county superintendent of highways or commissioners of highways and the party or parties owning or controlling the lands to be entered upon, or from which material is to be taken, can not agree as to the amount of damage or value of such material, that the amount of damage shall be determined as provided for in the law for exercising the right of eminent domain.

§ 135. AUTHORITY TO STRAIGHTEN WATER COURSES.] Whenever any public road shall be petitioned for, and located, in part, in the bed of any stream, the highway commissioners of the several towns or districts are hereby authorized to enter upon the adjacent land on which said stream is located, for the purpose of changing the current of the said stream, so that it will not flow upon or over such proposed roadway; and to dig any necessary ditches for such purpose: *Provided*, that in case the owner of such land or his agent shall not consent to such straightening of said stream, then the commissioners shall first proceed to have the damages assessed and paid, in the same manner as is now provided for the assessment and payment of damages in proceedings to open ditches for the drainage of public highways.

§ 136. RIGHT OF OWNER TO MAKE CROSSING—COSTS.] Any person owning, using or occupying lands on both sides of any public highway, shall be entitled to the privilege of making a crossing under said highway for the purpose of letting his cattle and other domestic animals cross said road: *Provided*, said person shall erect at his own expense, a good and substantial bridge, with good railings on each side thereof, and build an embankment, of easy grade, on either side of said bridge; said bridge to be not less than sixteen feet wide, and to be approved in the case of a State aid road by the State Highway Commission, State Highway Engineer or county superintendent of highways, and in the case of any other than a State aid road, to be approved by the commissioners of highways of the town or district in which said bridge is built, and the same to be kept constantly in good repair by the owner or occupant of said land, the construction subject always to the consent and approval of said State Highway Commission, State Highway Engineer, county superintendent of highways or commissioners of highways, as the case may be: *And, provided, further*, that in case such crossing is made on any waterway or natural channel for water and where a culvert or bridge is maintained as required for road purposes, said owners or occupants shall not be required

to pay for or construct any more of said crossings than the additional cost of such crossing over and above the necessary cost of a suitable culvert or bridge for road purposes at such place.

§ 137. **TO KEEP DOWN WEEDS.]** The commissioners of highways in their respective towns or road districts, shall annually, at the proper season, to prevent the spread of the same, destroy or cause to be destroyed, all cockle burr, Canada thistles, Russian thistle and all other kinds of thistles, or other noxious weeds, growing brush or plants growing on or upon all public roads other than State aid roads within their respective towns or districts. The State Highway Engineer or the county superintendent of highways shall attend to the destruction of such weeds, thistles and plants upon all State aid roads. It is also hereby made the duty of the highway officers aforesaid to seasonably mow and keep down all weeds or other vegetation growing along the highways under their respective jurisdictions.

PENALTY.] Any highway officer failing to comply with the provisions of this section shall be liable to a fine of not less than \$10.00 or more than \$25.00 for each season in which he shall neglect the requirements of this Act.

§ 138. **CAPACITY OF BRIDGES AND CULVERTS.]** It shall be unlawful hereafter to construct any bridge or culvert upon any ravine, creek or river upon a public highway or street in any town, county or city in this State unless such bridge or culvert shall have the capacity of sustaining a weight of at least one hundred pounds to the square foot.

PENALTY.] Any person who shall violate the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be fined not to exceed \$200.00.

ARTICLE VIII.

LAW OF THE ROAD—OFFENSES AND PENALTIES.

§ 139. **CERTAIN ROADS DECLARED PUBLIC HIGHWAYS.]** All roads in this State which have been laid out in pursuance of any law of this State, or of the Territory of Illinois, or which have been established by dedication or used by the public as highways for fifteen (15) years, and which have not been vacated in pursuance of law, are hereby declared to be public highways.

§ 140. **THE TERM CARRIAGE.]** The term "carriage" as used in this Act shall be construed to include stage coaches, wagons, carts, sleighs, sleds, automobiles, motorcycles, motor vehicles and every other carriage or vehicle used for the transportation of passengers and goods, or either of them.

§ 141. **NOTICE AGAINST FAST DRIVING OVER BRIDGE.]** The commissioners of highways, the State Highway Commission, the State Highway Engineer, or the county superintendent of highways, when they deem it advisable, may put up and maintain in conspicuous places at each end of any bridge a notice with the following words in large characters: "Five dollars fine for riding or driving on this bridge faster than a

walk." If any person shall ride or drive over any bridge, upon which such notice has been placed, faster than a walk, he shall forfeit the sum of five dollars for every such offense.

§ 142. DESTROYING OR DEFACING GUIDE BOARDS, ETC.] For destroying or defacing any guide board, post or milestone, or any notice or direction put up on any bridge or otherwise, by or with the authority of the State Highway Commission, State Highway Engineer, county superintendent of highways, or the commissioners of highways of any town or district, the offender shall forfeit a sum of no [not] less than three dollars, nor more than fifty dollars.

§ 143. DEPOSITING IN ROAD WEEDS, GARBAGE, ETC.] It is hereby declared unlawful for any person to deposit in a public road weeds, trash, garbage or other offensive matter or any broken bottles, glass, boards, containing projecting nails or any other thing likely to cause punctures in the tires of automobiles or motor vehicles; and any person so offending shall be liable to a penalty of not less than three dollars nor more than ten dollars: *Provided, however,* that this section shall not apply to proper deposits of harmless materials made in good faith and in a proper manner to repair the roads.

§ 144. INJURING SIDEWALKS, BRIDGE, ETC.] If any person shall purposely destroy or injure any sidewalk, public bridge, culvert, or causeway, or remove any of the timber or plank thereof, or obstruct the same, he shall forfeit a sum not less than three nor more than one hundred dollars, and shall be liable for all damages occasioned thereby and all necessary costs for rebuilding or repairing the same.

§ 145. TURN TO THE RIGHT.] That whenever any persons traveling with any carriages, shall meet on any turnpike, road or public highway in this State, the persons so meeting shall seasonably turn their carriages to the right of the beaten track, so as to permit each carriage to pass without interfering or interrupting, under the penalty of five dollars for every neglect or offense, to be recovered by the party aggrieved: *Provided,* this section shall not be construed to apply to a case where it is impracticable from the nature of the ground for the driver of the carriage or wagon to turn to the right of the beaten track.

§ 146. DRUNKEN DRIVER—PENALTY.] No person owning any carriage, running or traveling upon any road in this State for the conveyance of passengers, shall knowingly employ, or continue in employment, any person to drive such carriage who is addicted to drunkenness or the excessive use of spirituous liquors; and if any such owner shall violate the provisions of this section, he shall forfeit at the rate of \$5.00 per day for all the time he shall keep such driver in his employment. Any person driving his own team, or the team of another, on the public highway, when intoxicated, shall be subject to a fine of not less than \$3.00, nor more than \$25.00 for each offense.

§ 147. DRUNKEN DRIVER, DISCHARGE OF.] If any driver, while actually employed in driving any such carriage shall be guilty of intoxication, to such a degree as to endanger the safety of the passengers in the carriage, it shall be the duty of the owner of such carriage, on receiving written notice of the fact, signed by any one of said passengers, and certi-

fied by him on oath, forthwith to discharge such driver from his employment; and every such owner who shall retain, or have in his employ, within thirty days after the receipt of such notice, any driver who shall have been so intoxicated, shall forfeit at the rate of five dollars per day for the time during which he shall keep any such driver in his employment after receiving such notice.

§ 148. RUNNING HORSES, ETC., ON PUBLIC ROADS.] No person driving any carriage upon any turnpike, road or public highway within the State, with or without passengers therein, shall run his horses, or carriage or permit the same to run, upon any occasion, or for any purpose whatever, except in case of necessity; and every person who shall offend against the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding \$100.00 or imprisoned not exceeding sixty days, at the discretion of the court.

§ 149. TEAM TO BE HITCHED.] It shall not be lawful for the driver of any carriage, used for the purpose of conveying passengers for hire, to leave the horses attached thereto while passengers remain therein, without making such horses fast with a sufficient halter, rope or chain, or by placing the lines in the hands of some other person, so as to prevent their running; and if any such driver shall offend against the provisions of this section, he shall forfeit the sum of \$20.00 to be recovered by action, to be commenced within six months; and unless the amount of such recovery be paid forthwith, execution shall be immediately issued therefor.

§ 150. OWNER LIABLE FOR DAMAGES—DRIVER OF STAGE, ETC., GUILTY OF MISDEMEANOR.] The owner[s] of every carriage running upon any turnpike, road or public highway, for the conveyance of passengers, shall be liable, jointly or severally to the party injured, in all cases, for all injuries or damages done by any person in the employment of such owners as a driver while driving such carriage, to any person, or to the property of any person, and that whenever the act occasioning such injury or damage be wilful, negligent or otherwise, in the same manner as such driver would be liable. Any driver of any mail stage coach, or any other vehicle for the conveyance of passengers, wilfully offending against the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding \$300.00, or imprisoned not exceeding four months.

§ 151. INJURING OR OBSTRUCTING ROADS, ETC.] If any person shall injure or obstruct a public road by felling a tree or trees in, upon or across the same, or by placing or leaving any other obstruction thereon, or encroaching upon the same with any fence, or by plowing or digging any ditch or other opening thereon, or by turning a current of water so as to saturate or wash the same, or shall leave the cuttings of any hedge thereon, for more than ten days, he shall forfeit for every such offense a sum not less than three dollars, nor more than ten dollars; and in case of placing any obstruction on the highway, an additional sum of not exceeding three dollars per day for every day he shall suffer such obstruction to remain after he has been ordered to remove the same by the commissioners of highways, or in case the road is a State aid road, after he

has been ordered to remove the same by the State Highway Commission, State Highway Engineer or county superintendent of highways. Any person feeling himself aggrieved may make complaint under this section: *Provided, however*, this section shall not apply to any person who shall lawfully fell any tree for use and shall immediately remove the same out of the road, nor to any person through whose land a public road may pass, who shall desire to drain his land, and who shall give due notice to the proper highway officials of such intention: *And, provided, further*, that the commissioners of highways, State Highway Commission, State Highway Engineer, or county superintendent of highways, as the case may be, after having given reasonable notice (to the owners) of the obstruction, or persons so obstructing, or plowing, or digging ditches upon such road, of the obstruction, may remove any such fence or other obstruction, fill up any such ditch or excavation, except ditches necessary to the drainage of an adjoining farm emptying into a ditch upon the highway, and recover the necessary cost of such removal from such owner or other person obstructing such road aforesaid, to be collected by the highway officials having jurisdiction of the road whereon such offense was committed.

§ 152. OBSTRUCTING PERSON IN HIGHWAY.] If any person shall wilfully and unnecessarily hinder, obstruct or delay, or shall wilfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving or traveling along or upon any public highway in this State, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten (10) nor more than twenty-five (25) dollars; and shall also be liable for all damages occasioned to any person by reason of a violation of this section.

§ 153. ITINERANT CAMPING ON PUBLIC HIGHWAYS UNLAWFUL.] It shall be unlawful for any itinerant person or persons on any public highway in this State to either hitch or turn loose any stock, cows, horses or other animals for purpose of feeding same or for purpose of temporary camping on such public highways of this State for a period to exceed twelve hours in any one township or district.

PENALTY FOR VIOLATING THIS SECTION.] Any legal voter or resident in this State may enter complaint before any court having jurisdiction against any person or persons found violating this section and it shall be the duty of such court to issue a warrant for the arrest of such violators and have them brought forthwith before said court for examination, and if found guilty of such violation as charged, shall be fined in a sum not less than ten dollars (\$10.00) or exceeding fifty dollars (\$50.00) for each such offense, or committed to the county jail not exceeding thirty days, at the discretion of such court.

§ 154. ENGINES ON PUBLIC HIGHWAYS.] It shall be the duty of persons in charge of any steam, or gasoline or oil traction engine, being propelled over the highways of this State, to stop said engine whenever they meet any person or persons going in the opposite direction on said highway with horses or other animals, until said horses or other animals shall have passed by; and said engine shall be stopped when it is one hundred (100) yards distant from said horses or other animals, and

sooner in case said horses or other animals become frightened at said engine before arriving at said distance. The owner or driver of said engine shall also keep a good, trusty man not less than fifty (50) nor more than two hundred (200) yards in advance of said engine, to assist in controlling any horses or other animals being driven or used on said highway; until said horses or other animals shall have passed by said engine; and it shall be the duty of the man thus sent in advance to use all reasonable care and diligence to prevent the occurrence of any accidents which might result in case said horses or other animals become frightened at said steam engine.

WHEN UNLAWFUL TO BLOW WHISTLE.] It shall be unlawful for any person to blow the whistle of said engine while on the public highway.

PENALTY.] Any owner of a steam, or gasoline or oil traction engine, who, by himself, agent or employee, violates the provisions of this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall, for each offense, be fined not less than ten dollars nor more than fifty dollars, to be recovered before any court of competent jurisdiction, and shall also be liable for all damages that may be sustained by persons or property by reason of his failing to comply with the provisions of this section.

§ 155. SUITS FOR RECOVERY OF FINES OR PENALTIES UNDER ACT, HOW BROUGHT—APPLICATION OF FINES.] All suits for the recovery of any fine or penalty under this Act, including as well such offenses as may be committed upon or in relation to State aid roads as upon other roads, shall be brought in the name of the town or district in which the offense is committed, before any justice of the peace within the county, who shall have jurisdiction in such cases, to the extent of their jurisdiction in other cases, or before any other court of competent jurisdiction: *Provided*, that all suits or fines and penalties, incurred under this Act, on town or district and county line roads, shall be brought in the name of the town or district to which that part of the road shall have been allotted, before any justice of the peace who shall have jurisdiction in such cases to the extent of their jurisdiction in other cases or before any other court of competent jurisdiction; and it shall be the duty of the State Highway Commission, State Highway Engineer, county superintendent of highways and commissioners of highways to seasonably prosecute for all fines and penalties under this Act; but in case of failure of said officers to so prosecute, complaint may be made by any person: *Provided*, said person shall before bringing suit in the name of the town or district, give bond for costs, as is provided for in case of a non-resident. But whenever any person shall enter complaint to any of said highway officials, it shall be the duty of such highway official to at once proceed to investigate as to the reason of such complaint, and if such complaint is found to be just, he shall at once proceed to prosecution.

§ 156. FINES—HOW DISPOSED OF.] All fines and penalties recovered under the provisions of this Act for offenses committed upon or in relation to State aid roads, shall, unless otherwise provided, be paid over to the county treasurer, and by him transmitted to the State Treasurer to become a part of the State road and bridge fund. All fines and penalties

recovered under the provisions of this Act for offenses committed upon or in relation to all other roads shall, unless otherwise provided, be paid over to the treasurer of the road and bridge fund of the town or district where the offense is committed to be expended upon the roads and bridges in said district or town. The judgment or docket entry of the court or justice imposing a fine or penalty for violation of this Act as aforesaid, shall in each instance specify whether such offense was committed upon or in relation to a State aid road or a road other than a State aid road.

§ 157. RESTRICTION—JURISDICTION.] Nothing contained in this Act shall interfere with or affect any law concerning hackney coaches or carriages in any of the cities of this State, nor interfere with nor affect the laws or ordinances of any such city for the licensing or regulating such coaches or carriages. Justices of the peace shall have jurisdiction of all cases arising under this Act, where the penalty does not exceed their jurisdiction.

ARTICLE IX.

OPTIONAL—SINGLE HIGHWAY COMMISSIONER SYSTEM PROVIDED FOR.

§ 158. PROVISIONS OPTIONAL.] The provisions of this article shall become effective in any township or road district in this State upon the adoption of the same by the legal voters of such township or road district as hereinafter provided and not otherwise.

§ 159. PETITIONS FOR ADOPTION—ELECTION.] At any time following the passage and approval of this Act, on petition of not less than twenty-five of the legal voters of any township or road district, the town or district clerk thereof shall, within thirty days thereafter, call a special election at which there shall be submitted to the voters of such town or road district the question of having a single highway commissioner in such township or road district: *Provided, however*, that no such election shall be held within the period of thirty days next preceding any annual town or road district election, and elections for the purposes specified in this section shall not be held oftener than once in three years: *And, provided, further*, that in all counties not under township organization which are now operating under the optional Act entitled, "An Act in regard to roads and bridges in counties not under township organization, and to provide for the adoption of the same," approved May 10, 1901, no special election shall be held for the purposes provided in this section until the division of such counties into road districts as provided in section 41 of this Act.

§ 160. NOTICE OF ELECTION.] Upon the filing of a petition for an election to change from the three highway commissioner system to the single highway commissioner system, as provided in the preceding section, the town or district clerk shall post notices of the time and place of holding such special election in at least three of the most public places in said town or road district, which notices shall be posted at least fifteen days prior to the time of holding such election.

§ 161. BALLOTS—CONDUCT OF SPECIAL ELECTION.] The ballots to be used at said election shall contain the following form: "For Single

Highway Commissioner System;" "Against Single Highway Commissioner System." The special election held pursuant to the provisions of this article shall be conducted in the same manner and subject to the same laws and regulations as are prescribed for other elections held pursuant to the provisions of this Act.

§ 162. RESULT OF ELECTION.] If a majority of the legal voters voting at said special election shall vote in favor of the proposition, "For Single Highway Commissioner System," then and thereafter and until said vote shall be reversed in the manner hereinafter provided the provisions of this article shall be effective in such township or road district, and in said township or road district there shall be but one highway commissioner to be elected as hereinafter provided.

§ 163. ELECTION OF COMMISSIONER—TENURE OF OFFICE.] At the next annual town meeting or road district election held next after the adoption of the provisions of this article by any town or road district in this State, there shall be elected a single highway commissioner for such town or district, who shall hold his office for three years and until his successor is elected and qualified. And thereafter there shall be elected every three years a highway commissioner as the successor of the highway commissioner whose term of office shall expire. The official term of any highway commissioner holding office at the time of the adoption of this article by any town or road district shall expire upon the qualification of the single highway commissioner elected at said next ensuing annual town meeting or road district election.

§ 164. PROVISIONS SPECIALLY APPLICABLE TO—COUNTIES NOT UNDER TOWNSHIP ORGANIZATION—(A) CLERK.] In any road district in a county not under township organization adopting the provisions of this article, the district clerk shall be elected at the same time as the highway commissioner [er]. The official term of any such clerk holding office at the time of the adoption of this article by any town or road district shall expire upon the qualification of the district clerk elected at said next ensuing annual road district election.

(B) CONDUCT OF ELECTIONS.] In all road districts in counties not under township organization having adopted the provisions of this article, the regular election for commissioner of highways and district clerk shall be held on the first Tuesday in April every three years at the place designated by the commissioner of highways. The commissioner of highways and two other persons to be named by the county board for each road district of the county operating under this article shall act as judges of election, and the district clerk shall be *ex officio* clerk of all district elections, but before entering upon the discharge of their duties they shall take the oath of office prescribed by the general election laws of the State. In the absence of any of the above named officers the vacancy shall be filled by appointment by the commissioner, or in his absence by the district clerk, and in case both the commissioner and the district clerk are absent, the electors present shall appoint such officers.

§ 165. (A) POWERS, DUTIES AND COMPENSATION OF HIGHWAY COMMISSIONER.] In any town or road district which shall adopt the provisions of this article all the powers and duties hereinbefore vested in the board of highway commissioners and the members thereof, shall thereafter be fully enjoyed, exercised and employed by the single highway commissioner provided for in this article, and all the preceding provisions of this Act, in so far as compatible with the provisions of this article, shall remain and be in full force and effect.

(B) COMPENSATION.] In any town or road district adopting the provisions of this article, the single highway commissioner herein provided for shall receive for each and every day he is necessarily employed in the discharge of his duties a salary to be fixed by the county board in counties not under township organization and by the board of town auditors in counties under township organization not to exceed in counties of the first class three dollars and fifty cents (\$3.50) per day, in counties of the second class four dollars (\$4.00) per day, and in counties of the third class five dollars (\$5.00) per day, upon a sworn statement to be filed by such commissioner in the office of the town or district clerk, showing the number of days he was employed and the kind of employment, and giving the dates thereof.

§ 166. WITHDRAWAL FROM PROVISIONS OF THIS ARTICLE.] Any town or road district having adopted the provisions of this article may withdraw from the provisions thereof and elect to come under the general provisions of this Act whereby three highway commissioners are provided for in each town or road district. Such withdrawal from the provisions of this article shall be by the vote of the legal voters of such town or district, and provisions therefor may be inaugurated by petition to the town or district clerk, in the manner provided in section 161 of this Act. Upon the filing of such petition a special election therefor shall be called, and conducted, and the result thereof declared as provided in sections 161, 162 and 164 of this Act: *Provided*, that no such special election shall be held within the period of thirty days preceding the second Tuesday in April in any year. At said special election the proposition petitioned for and submitted to the voters shall be as follows: "For continuing single Highway Commissioner System" and "Against continuing [single] Highway Commissioner system." A majority of all the voters voting at such election shall be required to withdraw such town or road district from the provisions of this article, and after any town or district has voted to withdraw from the provisions of this article, no special election shall be called to return to the provisions of this said article for a period of at least three years.

§ 167. ELECTION OF OFFICERS UPON WITHDRAWAL FROM THIS ARTICLE.] In case any town or road district having adopted the provisions of this article shall elect to withdraw therefrom and come under the three commissioner system as provided in the preceding section of this Act, the town or district clerk shall give notice, in the manner hereinbefore provided that at the next annual town meeting in counties under township organization, or at an election to be held on the first Tuesday in April then next ensuing in counties not under township organization,

there will be elected three highway commissioners for such town or road district. Of the three commissioners elected at the election held pursuant to such notice, one shall hold his office for three years, one for two years and the third for one year, to be determined between them by lot before entering upon the duties of their office. Upon the election and qualification of the members of such board of highway commissioners the unexpired portion of the term of any single highway commissioner who may be in office by virtue of the preceding provisions of this article shall thereby be terminated.

In all road districts in counties not under township organization electing to withdraw from the provisions of this article, as aforesaid, a district clerk shall also be elected at the time and place of holding the election of the three highway commissioners as aforesaid, and the unexpired portion of the term of any district clerk then in office shall terminate upon the qualifications of the clerk elected at such election.

ARTICLE X.

ACT CONSTRUED—STATUTES REPEALED.

§ 168. PART INVALID.] The invalidity of any portion of this Act shall not affect the validity of any portion thereof which can be given effect without such invalid part.

§ 169. CERTAIN ACTS REPEALED.] The following Acts and parts of Acts are hereby repealed:

“An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named,” approved June 23, 1883: *Provided, however,* that all officials now holding office under said Act shall continue to exercise and enjoy their respective rights, powers, duties and emoluments as therein provided until the first election of highway officials held under and pursuant to the provisions of this Act.

“An Act to provide for the organization of road districts, the election and duties of the officials therein, and in regard to roads and bridges, in counties not under township organization, and to repeal an Act and parts of Acts therein named,” approved May 4, 1887: *Provided, however,* that all officials now holding office under said Act shall continue to exercise and enjoy their respective rights, powers, duties and emoluments as therein provided until the first election of highway officials held under and pursuant to the provisions of this Act.

“An Act in regard to roads and bridges in counties not under township organization and to provide for the adoption of the same,” approved May 10, 1901: *Provided, however,* that all officials now holding office under said Act shall continue to exercise and enjoy their respective rights, powers, duties and emoluments as therein provided until the first election of highway officials held under and pursuant to the provisions of this Act.

"An Act requiring the destruction of cockle burrs, weeds or plants," approved May 31, 1879.

"An Act to amend sections one (1) and two (2) of an Act entitled 'An Act requiring the destruction of cockle burrs, weeds or plants,' approved May 31, 1879, and by adding thereto sections three (3), four (4) and five (5)," approved June 2, 1895.

"An Act to authorize the construction and maintenance of gravel, rock, macadam or other hard roads," approved June 18, 1883.

"An Act to protect persons and property from danger from steam engines on public highways," approved June 26, 1885.

"An Act to enable commissioners of highways to condemn lands under the right of eminent domain for the purpose of procuring rock, gravel or other material for building or repairing public roads," approved June 21, 1895.

"An Act authorizing the highway commissioners of any township to construct sidewalks in unincorporated villages," approved June 21, 1895.

"An Act concerning travel upon public highways," approved June 21, 1895.

"An Act to regulate the construction of bridges and culverts," approved April 21, 1899.

"An Act to provide for appointment of a good roads commission and to make an appropriation therefor," approved May 15, 1903.

"An Act entitled 'An Act to enable commissioners of highways in counties not under township organization to straighten water courses in the construction of public roads,'" approved May 16, 1905.

"An Act authorizing the commissioners of highways in any township in counties under township organization and the commissioners of highways or boards of county commissioners in counties not under township organization, to maintain earth roads with a drag and to contract for the use of the same and provide penalty for injury to work so done," approved May 31, 1907.

"An Act making it the duty of counties under township organization and towns in counties under township organization to build, construct and maintain approaches to bridges located on or near town and county lines," approved June 4, 1907.

"An Act to protect turnpike and gravel or macadam roads and to provide a penalty for its violation," approved June 5, 1911.

"An Act to authorize counties changing from township organization to county organization to assess a poll tax, road labor and road tax at any meeting of the county commissioners during the first year after such change," approved May 28, 1879.

"An Act in regard to itinerant camping on public highways," approved April 21, 1899.

"An Act to establish a State Highway Commission defining the duties thereof and to make an appropriation for experimental purposes," approved May 18, 1905.

"Section 16 of an Act entitled, 'An Act to revise the law in relation to township organization,'" approved March 4, 1874, and as amended by an Act approved May 10, 1901.

"An Act to provide for the election of the commissioners of highways in counties under township organization, and to legalize the election and official acts of such as were elected in the years 1874 and 1875, and to fix the compensation of the treasurers of such commissioners," approved April 15, 1875.

APPROVED June 27, 1913.

CONVICT LABOR ON PUBLIC ROADS, ETC.

§ 1. Employment of convicts or prisoners on public roads, etc.—application of commissioners of highways, etc.

§ 2. Expenses for guarding convicts while working.

(SENATE BILL NO. 539. APPROVED JUNE 28, 1913.)

AN ACT entitled, "*An Act to authorize the employment of convicts and prisoners in the penal and reformatory institutions of the State of Illinois in the preparation of road building materials and in working on the public roads.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the commissioners of the Northern Illinois Penitentiary, commissioners of the Southern Illinois Penitentiary and the board of managers of the Pontiac Reformatory of the State of Illinois are hereby authorized and empowered to employ convicts and prisoners in the penal and reformatory institutions of this State who are sentenced for terms of not more than five years, or who have not more than five years to serve to complete their sentence in working on the public roads or in crushing stones or preparing other road building materials at points outside the walls of the penal or reformatory institutions. Upon the written request of the commissioners of highways of any township in counties under township organization or the commissioners of highways or boards of county commissioners in counties not under township organization, said penitentiary commissioners, and board of managers of the Pontiac Reformatory shall detail such convicts or prisoners as in its judgment shall seem proper not exceeding the number specified in said written request, for employment on the public roads or in the preparation of road building materials, in the township, road district or county requesting the same on such terms and conditions as may be prescribed by the said penitentiary commissioners or the board of managers of the Pontiac Reformatory.

§ 2. The commissioners of highways or boards of county commissioners, as the case may be, shall pay all additional expenses for guarding such convicts while working on the public roads or in the preparation of road building materials outside the walls of the penal or reformatory institutions, in their respective townships, road districts or counties.

APPROVED June 28, 1913.

SCHOOLS.

BOARDS OF EDUCATION—BALLOTS, PETITIONS, ETC.

§ 1. Adds section 126a to Act of 1909.

§ 126a. Form of ballots—how marked—
petitions for nomination.

(SENATE BILL NO. 479. APPROVED JUNE 27, 1913.)

AN ACT to amend an Act entitled, "An Act to establish and maintain a system of free schools," approved and in force June 12, 1909.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an Act entitled, "An Act to establish and maintain a system of free schools," approved and in force June 12, 1909, be and is hereby amended by adding a section thereto, to be numbered 126A, which shall read as follows:

§ 126A. The ballots to be used at the election held for the selection of a president and members of the board of education shall be furnished by the district and shall be in form substantially as follows:

For President, to serve for one year.

Vote for one.

☐

John Adams

☐

James Brown

For two members to serve for three years.

Vote for two.

☐

Frank Chance

☐

Tyrus Cobb

☐

Margaret Murphy

☐

Elizabeth Browning

The voter shall make a cross-mark in the square preceding the name or names of the candidate or candidates of his choice and the ballot shall be so counted. The nomination of candidates for the offices of president and members of the board of education shall be made only by petition. All petitions shall be filed with the secretary at least ten days before the day of election. All petitions shall be signed by at least 10 per cent of the legal voters of the district, but not to exceed fifty such signatures shall be required to make valid any petition. The names of candidates shall be printed in the order in which the petitions are filed with the secretary.

APPROVED June 27, 1913.

EMPLOYEES' PENSION FUND IN CITIES OVER 100,000—CONTRIBUTION
FROM PUBLIC MONEYS.

§ 1. Board of education to pay certain amount of public moneys into employees pension fund.

(SENATE BILL NO. 365. APPROVED JUNE 27, 1913.)

AN ACT to provide for the contribution from public moneys to the public school employees' pension fund in cities having a population exceeding one hundred thousand inhabitants.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the board of education of any city having a population exceeding one hundred thousand inhabitants, shall have power to annually set aside and appropriate and pay into the public school employees' pension fund in such city now existing or hereafter created pursuant to any law, a sum of public moneys so that the same when taken with the moneys added to such pension fund for that year from interest on school funds raised by taxation, as provided for by law, shall equal in amount not to exceed double the aggregate of the sums set apart for that year and contributed to such pension fund from the salaries of persons in the employ of said board of education, who are contributors to such pension fund.

APPROVED June 27, 1913.

HIGH SCHOOL DISTRICTS—ELECTIONS, ETC.

§ 1. Amends section 91, Act of 1909.

§ 2. Emergency.

§ 91. As amended, adds provision for voting on certain propositions, creation of election precincts and conduct of elections.

(SENATE BILL NO. 62. APPROVED JUNE 25, 1913.)

AN ACT to amend section 91 of an Act entitled, "An Act to establish and maintain a system of free schools," approved and in force June 12, 1909.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 91 of an Act entitled, "An Act to establish and maintain a system of free schools," approved and in force June 12, 1909, be and the same is hereby amended so as to read as follows:

§ 91. For the purpose of building school houses, supporting the school and paying other necessary expenses, the territory for the benefit of which a high school is established under any of the provisions of this Act, shall be regarded as a school district, and the board of education thereof shall, in all respects, have the power and discharge the duties of school directors, for such district: *Provided, however,* that in all elections called under the provisions of this Act for voting on any one or more of the following propositions, to wit: To purchase or locate a school house site; to purchase, build, or move a school house, or to levy a tax to extend schools beyond nine months, or to borrow money; that

said board of education shall have the power to establish a suitable number of voting precincts for the accommodation of voters of the district in which said election is held, and they shall fix the boundaries of said precincts, and designate one polling place in each, and said precincts shall be composed of contiguous territory in as compact form as may be for the convenience of the electors voting therein; the said board shall appoint two judges and one clerk for each polling place, assigning so far as practicable, at least one member of such board to each polling place. Notice of all such elections shall be in the form now prescribed by law and be posted by the said board of education in at least three of the most public places in each of said voting precincts at least ten days previous to the day of election.

§ 2. WHEREAS, An emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

APPROVED June 25, 1913.

HIGH SCHOOL PRIVILEGES FOR GRADUATES OF 8th GRADE.

§ 1. Admission to any public high school—payment of tuition by home district—selection of high school approved by directors of home district—application of Act.

(SENATE BILL NO. 60. APPROVED JUNE 26, 1913.)

AN ACT to provide high school privileges for graduates of the eighth grade.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That graduates of the eighth grade residing in a school district in which no public high school is maintained, shall be admitted, upon the payment of tuition, to any public high school, with the consent of the school board of the district in which such high school is situated. The tuition of such pupils shall be paid by the district in which they reside, from any funds not otherwise appropriated, but in no case shall the tuition per pupil exceed the *per capita* cost of maintaining the high school selected. The parent, or guardian, shall select the high school to be attended, subject to the approval of the school directors of the home district: *Provided, however,* that the high school selected offers a program of studies extending through four school years. The application of this Act shall not relate to districts that provide work in the ninth and tenth grades, except to pupils that have completed the work of such grades.

APPROVED June 26, 1913.

TAX LEVIES.

§ 1. Amends section 189, Act of 1909.

§ 189. As amended, annual tax levy regardless of limitation of special charter—districts of 1,000-100,000—incidental expenses in districts under 100,000.

(SENATE BILL NO. 213. APPROVED JUNE 20, 1913.)

AN ACT to amend section 189 of an Act entitled, "An Act to establish and maintain a system of free schools," approved and in force June 12, 1909.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 189 of an Act entitled,

"An Act to establish and maintain a system of free schools," approved and in force June 12, 1909, be and the same is hereby amended in the following respects, that is to say:

Section 189 of said Act shall be and is hereby amended so as to read as follows:

§ 189. For the purpose of establishing and supporting free schools for not less than six nor more than nine months in each year and defraying all the expenses of the same of every description; for the purpose of repairing and improving school houses, of procuring furniture, fuel, libraries and apparatus, and for all other necessary incidental expenses in each district, village or city, anything in any special charter to the contrary notwithstanding, the directors or the board of education and the authorities of such village or city, as the case may be, shall be authorized to levy a tax annually upon all the taxable property of the district, village or city, not to exceed, except as hereinafter stated, one and one-half per cent for educational, and one and one-half per cent for building purposes upon the valuation to be ascertained by the last assessment for State and county taxes. But if the board of education, in any district having a population of not less than one thousand and not over one hundred thousand inhabitants, and not governed by any special Act in relation to free schools now in force by which no tax limit is imposed, shall desire to levy in any one year more than one and one-half per cent, but not more than two per cent, for educational purposes, such board may, by resolution stating the percentage so desired, cause a proposition for an assent thereto to be submitted to the voters of such district at any general school election, or at a special election called for that purpose, and if at such election a majority of the votes cast on said proposition shall be in favor thereof, the board of education of such district may thereafter, until such authority is revoked in like manner, levy annually for educational purposes, a tax in excess of one and one-half per cent, but not exceeding the percentage mentioned in said proposition, and for building purposes such a percentage that the aggregate levy shall not exceed three per cent; proposed changes in such percentage for educational purposes, either to increase or decrease the same, but not below one and one-half per cent nor above two per cent, may be submitted at any time, and from time to time, to the voters of such district, at any such election, either at the instance of such board of education or by petition for that purpose, addressed to such board and signed by at least five per cent of the voters of such district ascertained by the votes cast at the last preceding general election in said district; and such board of education shall levy no general tax in excess of one and one-half per cent for educational purposes that shall not be authorized by the result of such election, ascertained as aforesaid, unless and until assented to by the voters of such district in like manner: *Provided*, that in municipalities and school districts, of less than 100,000 inhabitants, the term incidental expenses as herein used shall not include any sum expended or obligation incurred for the improvement, repair or benefit of the school buildings and property, but all such sums and obligations shall be paid from that portion of the tax levied for building purposes. No election or petition shall be

necessary to authorize the levy of a tax for the ordinary repair and improvement of school buildings or grounds or for the payment of any special tax or special assessment levied upon such property.

APPROVED June 20, 1913.

TEACHERS—CERTIFICATES OF QUALIFICATION.

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| <p>§ 1. Certificate of qualification required—proviso.</p> <p>§ 2. Requirements for State certificates:</p> <ol style="list-style-type: none"> 1. Four year elementary. 2. Four year high school. 3. Four year supervisory. <p>§ 3. Life certificate.</p> <p>§ 4. Examinations for State certificates.</p> <p>§ 5. Forfeiture of life certificate—registration of State certificates—fee—validity of present State certificates not impaired.</p> <p>§ 6. Requirements for county certificates:</p> <ol style="list-style-type: none"> 1. Third grade elementary. 2. Second grade elementary. 3. First grade elementary. 4. High school. 5. Supervisory. 6. Kindergarten primary. 7. Special. <p>§ 7. County "provisional" and "emergency" certificates—endorsement and validity.</p> <p>§ 8. Examining board for county certificates—examinations, etc.</p> | <p>§ 9. What certificates valid in county of issue—endorsement for other counties—renewals.</p> <p>§ 10. Preliminary examination of applicants.</p> <p>§ 11. Exchange of county certificates.</p> <p>§ 12. Examinations for higher certificates—renewals.</p> <p>§ 13. Fee for county examination and annual registration.</p> <p>§ 14. Offenses and penalties.</p> <p>§ 15. Terms defined.</p> <p>§ 16. Expiration and dating of certificates.</p> <p>§ 17. Suspension of certificates—appeal.</p> <p>§ 18. Granting certificates of lower grade than applied for—credits toward higher certificates—applicant may write in any county and apply in another.</p> <p>§ 19. Filing references to character.</p> <p>§ 20. Recognition of certificates of another state.</p> <p>§ 21. Repeals sections 176, 177, 178 and 180, Act of 1909, etc.</p> <p>§ 22. Act effective July 1, 1914.</p> |
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(SENATE BILL NO. 355. APPROVED JUNE 28, 1913.)

AN ACT to provide for the certification of teachers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no one shall be authorized or employed to teach in the common schools of this State or shall receive for teaching any part of any public school fund who is not of good character, at least eighteen years of age and who does not, at the time he enters upon his duties, hold a certificate of qualification covering the entire period of his employment and granted by the Superintendent of Public Instruction, a county superintendent, or, in a city having a population exceeding 100,000 inhabitants, by the board of education of such city: *Provided*, that nothing in this Act relating to county teachers' certificates shall be applicable to counties having a population of five hundred thousand or over.

§ 2. State certificates granted by the Superintendent of Public Instruction and the requirements for the same shall be as follows:

First—A four year elementary school certificate valid in the elementary schools of the State for which the requirements shall be: (1) Graduation from a recognized high school and from a recognized normal

school, or an equivalent preparation; (2) three years' successful teaching, two of which shall have been in the State on a first grade county certificate; (3) a successful examination in English, educational psychology, and the principles and methods of teaching, and (4) the preparation of a thesis on one or more elementary school problems, the subject or subjects of which shall be selected from a list prescribed by the Superintendent of Public Instruction.

Second—A four year high school certificate valid in any high school in the State, for which the requirements shall be: (1) Graduation from a recognized college or university, or the completion of an equivalent preparation; (2) three years' successful teaching, two of which shall have been in the State on a first grade, a high school, or a supervisory county certificate; (3) a successful examination in English, educational psychology, and the principles and methods of teaching, and (4) the preparation of a thesis on one or more secondary school problems, the subject or subjects of which shall be selected from a list prescribed by the Superintendent of Public Instruction.

Third—A four year supervisory certificate valid for supervisory work and for teaching in any district in the State. The requirements for this certificate shall be: (1) Graduation from a recognized high school and from a recognized normal school, or an equivalent preparation; (2) three years' successful supervision, two of which shall have been in this State on a county supervisory certificate; (3) a successful examination in English, educational psychology, sociology, the history of education, and school organization, administration, and supervision, and (4) the preparation of a thesis on one or more problems of school administration, the subject or subjects of which shall be selected from a list prescribed by the Superintendent of Public Instruction.

§ 3. A LIFE CERTIFICATE.] At the time of its expiration upon evidence of successful teaching or supervision satisfactory to the Superintendent of Public Instruction any four year State certificate enumerated in this Act shall become valid and be endorsed for life. The validity of State certificates now in force and those issued in accordance with this Act, shall be conditioned upon the good behavior of the holder.

§ 4. Examinations for State certificates shall be held at such times and places and under such rules as may be prescribed by the Superintendent of Public Instruction. To each person who is successful in the examination for a State certificate the Superintendent of Public Instruction shall issue a certificate of the kind applied for, if in his judgment the personality of such applicant and his general qualifications other than scholarship fit him for the work which the certificate would authorize him to perform.

§ 5. A life certificate shall be forfeited three years after the person to whom it is issued ceases to engage in educational work unless its life shall have been extended within that time by the Superintendent of Public Instruction. The holder of any State certificate, while he continues to teach, shall annually before entering upon his duties, present

his certificate to the county superintendent for registration and pay a fee of one dollar for the same, which fee shall be covered into the institute fund.

State certificates in force at the time of the passage of this Act shall not have the term of their validity impaired. State elementary certificates shall be valid for teaching in the elementary schools, State high school certificates for teaching in the high schools and State supervisory and general certificates for supervision and teaching in the schools supervised.

§ 6. County certificates granted by the county superintendent and the requirements for the same shall be as follows:

First—A third grade elementary school certificate, valid for one year in the first eight grades of the common schools of the county in which it is issued and in no other county. This certificate shall be renewable once only and on evidence satisfactory to the county superintendent of three months' successful teaching or six weeks' professional training. Applicants for this certificate shall be examined in orthography, civics, Illinois history, physiology, penmanship, reading, grammar, geography, United States history, arithmetic, and the principles and methods of the State course of study. This certificate shall not be issued the second time to the same person.

At the option of the county superintendent this certificate may be issued without examination to persons who have successfully completed two years of work in a recognized normal school, or one year of such work if the applicant is a graduate of the tenth grade.

Second—A second grade elementary school certificate valid for two years in the first eight grades of the common schools of the county and in the ninth and tenth grades when endorsed for the same by the county superintendent. This certificate shall be renewable on evidence satisfactory to the county superintendent of six months' successful teaching or twelve weeks' professional training, and a second time if in the period following the date of issue the holder shall have acquired eighteen weeks' professional training in any recognized school providing such training. The applicant for this certificate shall be examined in orthography, civics, Illinois history, physiology, penmanship, reading, grammar, geography, United States history, arithmetic, elementary science, pedagogy, and the principles and methods of the State course of study.

At the option of the county superintendent this certificate may be issued without examination to persons who have completed the junior year's work in a recognized normal school, or its equivalent.

Third—A first grade elementary school certificate, valid for three years in the first ten grades of the common schools of the county, and in the high school when endorsed for the same by the county superintendent. This certificate shall be renewable indefinitely for periods of three years, upon evidence of successful teaching and professional growth satisfactory to the county superintendent.

The requirements for this form of certificate shall be: (1) Graduation from a recognized high school, or an equivalent preparation; (2)

six months of successful teaching, and (3) an examination in orthography, including spelling, civics, Illinois history, physiology, penmanship, reading, grammar, geography, United States history, arithmetic, pedagogy, English, algebra, general history, and any three of the following natural sciences: Botany, zoölogy, physics, chemistry and physiography. This certificate shall be issued to graduates of a recognized normal school, or from an institution offering an equivalent preparation, provided the applicant has had one year of successful practice teaching, and applies for the certificate within three years after graduation.

Fourth—A high school certificate, valid for three years in the high schools of the county. This certificate shall be renewable indefinitely for periods of three years on evidence satisfactory to the county superintendent of successful teaching or supervision and professional growth.

The requirements for this form of certificate shall be: (1) Graduation from a recognized high school, or an equivalent preparation; (2) a certificate showing the completion of at least two years' successful work in any recognized higher institution of learning, and (3) an examination in English, pedagogy, and six high school subjects, three majors and three minors, chosen from a list prescribed by the examining board hereinafter provided for: *Provided, however*, that graduates of a recognized normal school, college or university may offer within three years after graduation, certified credits in lieu of examination in the above subjects accompanied by faculty recommendations of ability to teach in the high school.

Fifth—A supervisory certificate, valid for three years for supervisory work in any district in the county and for teaching in the schools supervised by the holder. This certificate shall be renewable for three year periods on satisfactory evidence of successful teaching or supervision, and of professional growth. The requirements for this certificate shall be: (1) Graduation from a recognized high school and at least two years' work in a recognized higher institution, one of which shall have been in a normal school, or an equivalent preparation; (2) two years' successful teaching or supervision, and (3) a successful examination in English, educational psychology, the history of education, and school administration.

Sixth—A kindergarten primary certificate, valid for two years in any kindergarten and in the first two grades of the common schools of the county, providing the kindergarten training school of which the applicant is a graduate gives adequate preparation for the first two grades of work. This certificate shall be renewable for two year periods on evidence of successful teaching satisfactory to the county superintendent.

The requirements for this form of certificate shall be graduation from a recognized high school and from a recognized kindergarten training school, or the completion of an equivalent course; or in lieu of graduation from such training school, such examination in English, and the theory and practice of kindergarten and primary work as may be prescribed by the examining board.

Seventh—A special certificate, valid for two years in the common schools of the county, renewable for two year periods. Such certificate

shall be issued in music, drawing, agriculture, manual training, domestic science, domestic art, physical training, penmanship, bookkeeping, German and such other subjects as may be added by the examining board and shall authorize the holder to teach only the subject or subjects named in the certificate.

The requirements for this form of certificate shall be graduation from a recognized high school, or an equivalent preparation, and a certificate showing the completion in a recognized higher institution of learning of at least two years' special training, and an examination in English and the principles and methods of teaching, and satisfactory evidence that the applicant has taught or can teach such subjects successfully.

§ 7. The county superintendent is hereby authorized to issue a third grade elementary certificate to persons of his or other counties who fall below the required average, but the number of such certificates issued in any one year shall not exceed ten per cent of the number of teachers employed in his county. Such certificates shall be designated on their face, "Provisional," and the same shall not be renewable or issued the second time to the same person.

The county superintendent is also authorized to issue at any time, upon evidence satisfactory to himself, that the applicant possesses the prerequisites and qualifications for such certificate, a county certificate of any grade, such certificate to be designated on its face, "Emergency." This certificate shall be valid only until the next regular examination, and in the county of issue.

Third grade and second grade certificates are valid for teaching only. A first grade certificate is valid for supervision in all positions where the principal or superintendent teaches one-half or more of the time.

County certificates issued without examination as herein provided shall have that fact stated on the certificate and a certified copy of credits shall be filed with the application.

§ 8. For the purpose of carrying out the provisions of this Act with regard to county certificates there is hereby created an examining board to consist of the Superintendent of Public Instruction, who shall be *ex officio* chairman, one person who is engaged in educational work, to be appointed by him for a term of four years, and three county superintendents, each to serve for three years, one to be appointed annually by the Superintendent of Public Instruction upon the recommendation of the county superintendents' section of the State Teachers' Association at its annual meeting. The first year of the terms of the members of the board shall end on January 1, following the going into effect of this Act. The necessary traveling expenses of the board and such other expenses as are necessary in carrying out the provisions of this Act shall be provided through the State Department of Education. The Superintendent of Public Instruction shall have the power to fill vacancies until the next annual meeting of the State Teachers' Association. If a member of this board ceases to be a county superintendent he ceases to be a member of the board.

Examinations for county certificates shall be held at the various county seats on the same day at least three times each year and under such rules

as may be prescribed by the examining board. Questions for each examination shall be uniform throughout the State and shall be prepared by said board and forwarded to the county superintendents under seal, to be broken only at the time of opening the examination and in the presence of the applicants. The county superintendent shall conduct the examination in his county, and at the close of the same shall forward all papers to the examining board.

The grades shall be returned to the county superintendent, who shall issue the certificate of the kind designated to each applicant in his county who has passed the examination, if in his judgment the personality of such applicant and his general qualifications other than scholarship, fit him for the work which the certificate would authorize him to perform. The papers shall be kept on file for six months for reference by the applicant or the county superintendent.

§ 9. A first and second grade elementary school certificate, a high school certificate, a supervisory certificate, a kindergarten primary certificate, or a special certificate, shall be valid in the county of issue, and in any county of the State when endorsed by the county superintendent of such county, upon evidence of successful teaching, certified by the county superintendent in whose county the teaching has been done. A certificate shall not be renewable until its expiration or within sixty days thereafter, and no certificate shall be renewed except at the option of the superintendent issuing or endorsing it and on evidence satisfactory to such superintendent of successful teaching and professional growth.

§ 10. An applicant for a certificate who has not completed a high school course, when such is required, shall be admitted to a preliminary examination set by the examining board, on subjects announced in advance, for the purpose of determining whether such applicant possesses an equivalent preparation.

§ 11. Any person who holds, at the time this Act goes into effect, a valid county certificate, may, with the approval of the county superintendent, exchange the same for a certificate of equal grade—a second grade for a second grade elementary; a first grade for a first grade elementary, high school, or supervisory county certificate, a special certificate for a special certificate.

§ 12. In the examination of teachers for certificates higher than those which they shall have received in exchange for certificates in force when this Act goes into effect, and in the renewal of their certificates, successful experience in teaching or supervision shall be accepted as an equivalent for high school and professional training.

§ 13. Every applicant for a county certificate shall pay a fee of one dollar for each examination. All county certificates shall be annually registered and endorsed, and a fee of one dollar shall be charged for the same.

§ 14. Any person who shall sell, barter, trade, or give away, or offer to sell, barter, trade, or give away, to applicants for teachers' certificates or to any other person, or any person who shall buy, purchase, bargain or trade for or accept, any of the questions prepared for the examination

of teachers, or in any way dispose of or accept any of such questions, in violation of the rules prescribed by the examining board, or any person who shall reveal or give information which shall reveal the identity of any writer of an examination paper, shall, on conviction, be fined not less than \$25 nor more than \$100.

§ 15. By the word "recognized," as used in this Act in connection with the word "school," "college," or "university," is meant such school, college or university as maintains an equipment, course of study and standard of scholarship approved by the Superintendent of Public Instruction or the examining board according to the certificate to which it pertains. The term "equivalent preparation," as used in this Act, shall be interpreted and determined by the Superintendent of Public Instruction or the examining board, according to the certificate to which it pertains.

§ 16. The first year of all certificates shall expire on June 30 following the date of issue. Certificates earned in May or June shall be dated July 1, following.

§ 17. Any certificate issued under this Act may be suspended by either the county superintendent or Superintendent of Public Instruction upon evidence of immorality, incompetency, unprofessional conduct, or other just cause, and revoked for the same reasons by the superintendent issuing it. When a certificate is suspended by the superintendent not issuing the same, the right of appeal shall lie to the issuing superintendent. When an appeal is taken within ten days after notice of suspension it shall act as a stay of proceedings for a period not to exceed sixty days. Refusal to attend, participate in, or an indifferent or antagonistic attitude towards institutes, teachers' meetings, professional reading, or other reasonable requirements of the county or State superintendent, including the making of statistical and other reports, may be considered as unprofessional conduct.

§ 18. Under the rules of the examining board provision may be made for granting certificates, of a lower grade than the one applied for, when so requested by the applicant, and also for giving credit toward higher certificates for grades recorded upon lower certificates.

An applicant for a county certificate may write in any county and apply for a certificate in another county.

§ 19. When a person applies for his first county or State certificate he shall file as reference to character, the names of three competent persons.

§ 20. The Superintendent of Public Instruction may recognize and honor any State certificate of another state obtained under conditions similar to those in Illinois.

The county superintendent of schools may recognize and honor any certificate of another state obtained under conditions similar to those in Illinois, under such rules as may be prescribed by the examining board: except that certificates the equivalent of the third grade elementary and second grade elementary certificates described in this Act shall not be subject to recognition.

§ 21. Sections 176, 177, 178 and 180 of an Act entitled, "An Act to establish and maintain a system of free schools," approved and in force June 12, 1909, and any other section, Acts or parts of Acts in conflict herewith are hereby repealed.

§ 22. This Act shall take effect and be in force on and after July 1, 1914.

APPROVED June 28, 1913.

TEACHERS' PENSION FUND IN CITIES OVER 100,000—CONTRIBUTIONS
FROM PUBLIC MONEYS.

§ 1. Amends section 1, Act of 1911.

§ 1. Board of education to pay certain amount of public moneys into pension fund.

(HOUSE BILL NO. 881. APPROVED JUNE 27, 1913.)

AN ACT to amend section 1 of an Act entitled, "An Act to provide for the contribution from public moneys to the public school teachers' pension and retirement fund in cities having a population exceeding one hundred thousand (100,000) inhabitants," approved June 5, 1911, in force July 1, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an Act entitled, "An Act to provide for the contribution from public moneys to the public school teachers' pension and retirement fund in cities having a population exceeding one hundred thousand (100,000) inhabitants," approved June 5, 1911, in force July 1, 1911, be and the same is hereby amended to read as follows:

§ 1. That the board of education of any city having a population exceeding one hundred thousand (100,000) inhabitants shall annually set aside, appropriate and pay into the public school teachers' pension and retirement fund in such city now created or existing, or such as may hereafter be created, pursuant to any law, a sum of public money, so that the same when taken together with the moneys added to such pension fund for that year from interest on school funds raised by taxation, as provided for in section 165 of an Act entitled, "An Act to establish and maintain a system of free schools, approved and in force June 12, 1909, and Acts amendatory thereto," shall equal in amount the aggregate of the sums set apart for that year and contributed to such pension fund from the salaries of the teachers in the employ of said board of education, and in addition thereto the aforesaid board of education shall have power annually to set aside, appropriate and pay into the public school teachers' pension and retirement fund in such city, now created or existing, or such as may hereafter be created, pursuant to any law, an additional sum of public money, so that the same, when taken together with the moneys added to such pension fund for that year from interest on school

funds raised by taxation, as provided for in section 165 of this Act, shall equal in amount double the aggregate of the sums set apart for that year, and contributed to such pension fund from the salaries of the teachers in the employ of said board of education.

APPROVED June 27, 1913.

TEACHERS' PENSION FUND IN CITIES OVER 100,000—TRUSTEES, CONTRIBUTORS, BENEFITS, ETC.

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| <p>§ 1. Amends sections 152, 155, 156a, 156b and 157, Act of 1909.</p> <p>§ 152. Board of trustees—president—election of members—nominations at primary election—conduct of election—vacancies.</p> <p>§ 155. Who entitled to benefits of fund—amounts deducted from salaries—administration of fund—increase or decrease of pensions or annuities—evidence of service—graduating pension.</p> | <p>§ 156a. Option to renew rights—return of money withdrawn—proviso.</p> <p>§ 156b. Who may become contributors and beneficiaries.</p> <p>§ 157. Resolution declaring maturity of service and right to immediate benefits.</p> |
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(HOUSE BILL NO. 882. APPROVED JUNE 26, 1913.)

AN ACT to amend sections 152, 155, 156a, 156b and 157 of an Act entitled, "An Act to establish and maintain a system of free schools," approved and in force June 12, 1909, as amended by Act approved June 2, 1911, in force July 1, 1911; as amended by Acts approved June 5, 1911, in force July 1, 1911; and as amended by Acts approved June 6, 1911, in force July 1, 1911.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 152, 155, 156a, 156b and 157 of an Act entitled, "An Act to establish and maintain a system of free schools," approved and in force June 12, 1909, as amended by an Act approved June 2, 1911, in force July 1, 1911; as amended by Acts approved June 5, 1911, in force July 1, 1911; as amended by Acts approved June 6, 1911, in force July 1, 1911, be and the same are hereby amended to read as follows:

§ 152. In every city in this State having a population exceeding 100,000 inhabitants, there shall be elected a board of trustees to have the administration and control of the public school teachers' pension and retirement fund, to be created and maintained in the manner provided by this Act. Such board of trustees shall consist of nine members. The chairman of the finance committee of the board of education of such city shall be *ex officio* a member of and president of said board of trustees. In addition thereto there shall be elected at the first meeting of the said board of education in the month of November, 1913, two of its members to serve, while members of said board of education, on said board of trustees, one for a term of one year and one for a term of two years, and at the first meeting of said board of education in the month of November of each year thereafter there shall in like manner

be elected one member to said board of trustees who shall hold office, while a member of said board of education for a term of two years; and at the first election there shall be elected six members to said board of trustees from those members of the teaching force who are contributors to said pension and retirement fund of said city; two for a term of one year, while remaining contributors thereto, and two for a term of two years, while remaining contributors thereto, and two for a term of three years while remaining contributors thereto. In the date of the first meeting of said board of education in the month of November of each year thereafter there shall in like manner be elected two members to said board of trustees from those members of the teaching force who are contributors to said pension and retirement fund, who shall hold office for a term of three years, while remaining contributors thereto. The election of the members of the said board of education to said board of trustees shall be by a majority vote of said board of education in such manner as they, the board of education, shall provide. The election of the members to said board of trustees by those members of the teaching force contributing to said fund of said city shall be by secret ballot at an election held by the board of education in such manner as the board of trustees shall by by-laws provide. Nominations for trustees shall be made by a secret primary election held by the board of education at least thirty days before such final election and every person who is a member of the teaching force of such city, and a contributor to such pension and retirement fund, shall be entitled to vote at such primary election for twice the number of persons to be nominees as there are trustees to be elected. The persons receiving the highest number of votes in said primary shall appear as nominees for trustees upon the election ballot: *Provided*, the number of such names appearing on the election ballot shall be double the number of trustees to be elected. Each person who is a member of the teaching force of such city, and a contributor to said pension and retirement fund, shall be entitled to vote at the election for such number of persons as is to be elected trustees. The location and number of polling places shall be designated by the board of trustees. The judges and clerks of such primary and election shall be selected from the members of the teaching force of such city who are contributors to such pension and retirement fund, in such manner as the board of trustees shall by by-laws provide. Elections to fill vacancies may be called by the board of education and held at the next ensuing annual election: *Provided, however*, that the board of education may fill vacancies occurring in the membership of said board of trustees elected from said board of education at any regular meeting of the board of education. All trustees, while members of said board of education or while contributors to said pension fund, including members of the board of trustees of the teachers' pension and retirement fund to which the board created by this Act succeeds, shall hold their offices until their successors shall have been elected and duly qualified.

§ 155. Any person who shall be employed to teach in the public schools of any such city, after this Act shall take effect, shall be entitled

to the benefits of said fund upon complying with the provisions of this Act, and for the purposes of this Act such persons shall be divided into the following groups.

First—Those who have taught for five years or less.

Second—Those who have taught more than five years and not more than ten years.

Third—Those who have taught more than ten years and not more than fifteen years.

Fourth—Those who have taught more than fifteen years.

After this Act shall take effect, there shall be set apart from the salaries of all persons hereafter entering for the first time the employ of the board of education of such cities 50 cents per month for each month of service while they remain in the first group; \$1.00 per month for each month of service while they remain in the second group; \$1.50 per month for each month of service while they remain in the third group; and \$3.00 per month for each month of service while they remain in the fourth group; which amounts shall be deducted by the board of education in equal installments from their respective salaries at the regular times for the payment thereof, and be paid into and constitute a part of the public school teachers' pension and retirement fund of such city. The board of trustees in any such city created or existing under the provisions of this Act, shall succeed to the administration of any like fund established under any law now or heretofore in force in this State, and such board is hereby given the power to use both the principal and income of all funds for the payment of the pensions or annuities in this Act provided for, and shall have power to increase or reduce from time to time all pensions or annuities: *Provided*, such increases or reductions shall be at the same rate on all classes: *And, further provided*, that all reductions shall in the judgment of said board of trustees be rendered necessary by the condition of said fund.

All teachers entering the service of the said board of education for the first time shall submit to said board of education evidence which has been approved and accepted by the board of trustees of said pension fund, attesting and proving service rendered in public schools outside of said city, and such evidence shall be the basis for placing such teachers in the proper group of the groups provided in this section.

Any public school teacher who has heretofore retired from service and is entitled to a pension or annuity from a like fund, created under any law now in force, to the administration of which fund such board of trustees has succeeded, or is a recipient of a pension or annuity thereunder, shall henceforth be entitled to receive a graduating pension ranging from four-fifths to five-fifths of pensions paid under the provisions of this Act, dependent upon time or [of] service as public school teachers, under uniform schedules to be provided by rules of said board of trustees; and \$30.00 per annum shall be withheld from such pensioner or annuitant until he or she shall have paid the aggregate amount of \$450.00.

§ 156a. All persons who have heretofore been contributors to the public school teachers' pension and retirement fund of cities having a

population exceeding 100,000 inhabitants, under any law now in force, but who have withdrawn from such participation, may, if they shall exercise the option, on or before the first day of July, in the year of our Lord, one thousand nine hundred and sixteen, renew their right to participation in a fund to be created in said city under the provisions of this Act, by paying into said fund the full amount of any moneys they may have withdrawn from such previous fund, and the full amount they would have contributed had they not withdrawn therefrom, together with interest thereon at the rate of 4 per cent per annum from the time such moneys were withdrawn and from the time payment would have become due to the date of their acceptance of the provisions of this Act; and thereafter such person shall contribute to said fund upon the same terms as teachers who shall hereafter be employed and become contributors to, and beneficiaries of said fund: *Provided, however,* that such persons who shall be re-employed by said board of education as such teachers on or after July 1, 1913, may, if they shall exercise such option within three years after such re-employment, renew their right to participation in such fund upon the same terms and conditions aforesaid.

§156b. All teachers who are now in the service of the board of education of any such city, other than those described in the previous section, may, if they shall exercise the option, on or before the first day of July in the year of our Lord one thousand nine hundred and sixteen, become contributors to and beneficiaries of the public school teachers' pension and retirement fund created under the provisions of this Act, upon the same terms as teachers who shall hereafter be employed and become contributors to, and beneficiaries of, said fund, under section 156a of this Act.

§ 157. Such board of trustees shall have the power, and it shall be its duty, to pass a resolution declaring the maturity of service and right to the immediate benefits of said fund in favor of persons entitled to the benefits thereof, in the following cases:

1. When any such person shall have taught in the public schools in the United States, or rendered service therein, for a period of twenty-five years, within the meaning of this Act.

2. When any contributor to the said fund shall have taught fifteen years in the public schools within the meaning of this Act, and shall have been declared by three competent physicians, who have made a physical examination of the teacher, at the request of a majority of such board of trustees, to be suffering from a permanent disability: *Provided,* that neither said board of trustees nor said board of education shall declare any contributor entitled to the immediate benefits of said fund until he or she shall have taught in the public schools of such city three-fifths of the term of service of twenty-five years, or three-fifths of the term of service of fifteen years, as the case may be, said three-fifths service in said city must be the last service rendered prior to his or her retirement on a pension; and no person shall be entitled to the benefits of said fund until his or her employment in the service of such board of education shall have been terminated.

APPROVED June 26, 1913.

TEACHERS' PENSION FUND IN DISTRICTS UNDER SPECIAL ACTS.

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| <p>§ 1. Teachers' pension fund in district of 10,000 to 100,000 under special Acts.</p> <p>§ 2. Board of management.</p> <p>§ 3. What fund consists of.</p> <p>§ 4. Control of funds—investments.</p> <p>§ 5. Who entitled to benefits—classifications—contributions.</p> <p>§ 6. Contributors—beneficiaries.</p> <p>§ 7. Resolution declaring maturity of service, etc.</p> <p>§ 8. Annuities and pensions.</p> <p>§ 9. Deductions certified to treasurer—special fund—warrants.</p> | <p>§ 10. Custodian of fund—bond—refund to teachers not re-employed or retiring.</p> <p>§ 11. All teachers become contributors.</p> <p>§ 12. Exemption from attachment or garnishment.</p> <p>§ 13. Interest added to fund.</p> <p>§ 14. Establishment of fund by majority vote.</p> <p>§ 15. Validation of former Acts.</p> <p>§ 16. Applicable to districts created by special charter.</p> <p>§ 17. Term "teachers" defined.</p> <p>§ 18. Continuance under general law.</p> |
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(SENATE BILL NO. 89. APPROVED JUNE 27, 1913.)

AN ACT to enable any board of school inspectors, or any body or board of officials, which governs, or has charge of the affairs of any school district having a population of not fewer than 10,000 and not more than 100,000 inhabitants, and governed by special Acts of the General Assembly of this State and in such other districts as may hereafter be ascertained by any special or general census to have such population and which school districts are also governed by like special Acts, to establish and maintain a teachers' pension and retirement fund.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all school districts, having a population of not fewer than 10,000, and not more than 100,000 inhabitants organized under and governed by special Acts of the General Assembly of this State and in such other districts as may hereafter be ascertained by any special or general census to have a population of not less than ten thousand nor more than one hundred thousand and which may also be governed by any such special Acts, the board of school inspectors, of every such district, or the body or board of officials which governs, or has charge of, the affairs of any such school district, may establish and maintain in and for said district a teachers' pension and retirement fund.

§ 2. Said board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district wherein the provisions of this Act may be made operative, shall cause to be elected a board of management for the purpose of carrying out the provisions of this Act. Said board of management shall consist of either three or nine members, as said board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district shall determine. Two-thirds of the membership of said board of management shall consist of members of the active teaching force of said district, who are contributors to said pension and retirement fund and they shall be elected by the members of said active teaching force of said district who are contributors to

said pension and retirement fund, in such manner and for such terms as said board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district shall by resolution determine. One-third of the membership of said board of management shall consist of members of the said board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district. Such representative shall be selected by such board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district for such terms as said board may by resolutions determine.

§ 3. The teachers' pension and retirement fund shall consist of moneys contributed by teachers under the provisions of this Act; also of moneys received from donations, legacies, gifts, bequests and otherwise, and of moneys paid into said fund in pursuance of any law now in force or hereafter enacted.

§ 4. The board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district, shall have charge of such funds and shall invest the same at interest. The rate of interest, which shall not be less than four per cent nor more than seven per cent, per annum, payable annually, shall be determined by a majority of the said board of school inspectors, or the body or board of officials which governs, or has charge of the affairs of any such school district, at any regular or special meeting. No loan shall be made for less than one year nor more than five years. All loans shall be secured by mortgage on unencumbered realty situated in this State, worth at least fifty per cent more than the amount loaned, with a condition that in case additional security shall be required at any time it shall be given to the satisfaction of the board of school inspectors or body or board of officials. In estimating the value of realty mortgaged to secure the payment of money loaned, the value of improvements liable to be destroyed may be included; but in such case the improvements shall be insured for their insurable value in a responsible insurance company or companies, and the policy or policies shall be transferred to the board of school inspectors or body or board of officials as additional security and shall be kept so insured until the loan is paid. Nothing herein shall prevent the investing of the principal of the said fund in bonds issued by the State, the Sanitary District of Chicago, counties, townships and cities in this State and in bonds of such school district when the same have been issued for the purpose of building or repairing school houses, in such district, or purchasing and improving school sites, when the issuance of such bonds has been authorized by the majority of the votes cast at an election held for that purpose. Said board of school inspectors, or body or board of officials, shall have the power to make payments from such fund of pensions and annuities granted in pursuance of this Act.

§ 5. Any person who shall be employed to teach in the public schools of the district where the provisions hereof may be in force after this

Act shall take effect, shall be entitled to the benefits of the said fund upon complying with the provisions of this Act, and for the purpose of this Act, such persons shall be divided into the following classes:

First—Those who have taught five years or fewer than five years in the public schools.

Second—Those who have taught more than five years and not more than ten years.

Third—Those who have taught more than ten years and not more than fifteen years.

Fourth—Those who have taught more than fifteen years.

After this Act shall take effect, there shall be set apart from the salaries of each teacher in the employ of the board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district \$5.00 per annum while they remain in the first class; \$10.00 per annum while they remain in the second class; \$15.00 per annum while they remain in the third; and \$30.00 per annum while they remain in the fourth class, which amounts shall be deducted by the board of school inspectors, or the body or board of officials which governs, or has charge of, the affairs of any such school district, in equal installments from their respective salaries at the regular times for the payment thereof, and be paid into and constitute a part of the said teachers' pension and retirement fund of the district.

§ 6. Teachers who become contributors to, and beneficiaries of, the said pension and retirement fund, under provisions of this Act, may count past services as a part of the period of twenty-five years herein-after specified, by paying into the fund a sum equal to that which he or she would have contributed under the provisions of this Act, had he or she been a regular contributor to said fund, during said period of past service, together with interest thereon at the rate of four per cent per annum from the time such payments would have been made had such person during such time been a contributor to such fund, to the time such person shall by making such payment become entitled to the benefits and credit of such past service.

§ 7. The board of management shall adopt a resolution declaring and fixing the maturity of service and the right to immediate benefits of the fund, in favor of the persons entitled to the benefits thereof in the following cases:

First—When any person shall have taught in the public schools for a period of twenty-five years within the meaning of this Act.

Second—When any contributor to the fund shall have taught fifteen years in public schools, within the meaning of this Act, and shall have been declared by three competent physicians who have made a physical examination of the teacher, at the request of the board of management, to be suffering from a permanent disability: *Provided, however,* that the board of management shall not declare any contributor entitled to the immediate benefits of the fund until he or she shall have taught in the public schools of the district three-fifths of the term of service of 25

or 15 years, as the case may be: *And, provided, further,* that no person shall be entitled to the benefits of the fund until he or she shall have retired from service as a teacher.

§ 8. Each teacher so retired or retiring after twenty-five years of service shall be entitled thereafter to receive from said fund an annuity not to exceed \$400.00, and each teacher so retired, because of permanent disability, after 15 years of service shall receive from said fund as an annual pension such proportion of the full annuity of \$400.00 as the sum contributed by such teacher so retired bears to the total contributions required for a full annuity. Pensions and annuities shall be paid monthly during the school year out of the said fund created in accordance with the provisions of this Act, in the manner and at the times provided by law for the payment of the salaries of teachers.

§ 9. The president and secretary of the board of school inspectors or the body or board of officials, which governs or has charge of the affairs of any such school district, shall certify monthly to the treasurer of such fund all amounts deducted from the salaries of teachers, special teachers, principals and superintendents in accordance with the provisions of this Act, which amounts together with all other moneys contributed to the fund, shall be set apart and held by the treasurer of the district as a special fund for the purposes herein specified, and shall be paid out on recommendation of the board of management upon warrants signed by the president and secretary of the board of school inspectors, or the body or board of officials, which governs or has charge of the affairs of any such school district.

§ 10. The treasurer of the district or of the board of school inspectors or body or board of officials, which governs or has charge of the affairs of any such school district, shall be *ex officio* the custodian of the pension and retirement fund, and shall hold the same subject to the control and direction of the board of school inspectors, or body or board of officials, which governs or has charge of the affairs of any such school district in accordance with the provisions of this Act. The said treasurer shall keep his books and accounts concerning such fund in the manner prescribed by the board of school inspectors, or the body or board of officials, which governs or has charge of the affairs of any such school district and his books and accounts shall be subject to the inspection of the board of school inspectors, or the body or board of officials, which governs or has charge of the affairs of any such school district, or any member thereof or the board of management or any member thereof. The treasurer shall be liable on his official bond for the proper performance of his duties and the conservation of the fund created by this Act, and such treasurers' bonds in all districts where this Act may be in force shall be so conditioned as to cover the liability for such fund. Any legal proceedings which may be necessary for the enforcement of the provisions of this Act shall be brought by and in the name of the board of school inspectors, or the body or board of officials, which governs or has charge of the affairs of any such school district, for the use of the pension and retirement fund.

If at any time a teacher who is willing to continue as a teacher in the schools of said district is not re-employed as such or is discharged as such before the time at which he or she would be entitled to a pension under the provisions of this Act, then to such teacher shall be refunded the money he or she may have contributed to said fund. Any teacher who shall retire voluntarily from the service of said district prior to entering the fourth class above defined shall receive a refund of one-half the money he or she shall have theretofore contributed to such fund.

§ 11. All persons who shall be employed as teachers by the board of school inspectors, or the body or board of officials which governs, or has charge of the affairs of any such school district, shall accept the provisions of this Act by such accepting or continuing in such employment; and thereupon become liable as contributors to the pension and retirement fund in accordance with the terms thereof. And the provisions of this Act shall become a part of and enter into any such contract of employment as fully as though the same were specifically set forth in said contract of employment.

§ 12. All pensions, or annuities, granted under the provisions of this Act and every portion thereof, shall be exempt from attachment or garnishment process and shall not be seized, taken, subjected to, detained or levied upon by virtue of any execution, or any process or proceedings whatsoever issued out of or by any court for the payment or satisfaction in whole or in part of any debt, claim, damage, demand or judgment against any pensioner or annuitant hereunder, and no annuitant or pensioner shall have the right to transfer or assign his or her pension or annuity or any part thereof either by way of mortgage or otherwise.

§ 13. The said treasurer shall not be entitled to retain any interest accruing from any pension and retirement fund, but all such interest earned thereon shall be covered into such fund, become a part thereof, and be subject to the purposes of this Act. The treasurer shall also set aside annually and place in such fund all interest accruing from the district funds of the district (whether levied for educational or building purposes) and as well all interest earned by money coming from the investment of the proceeds of the sales of any school lands of said district.

§ 14. If any school district where there is not sufficient revenue from interest and contributions to maintain a teachers' pension fund under the foregoing provisions hereof, such school district may, by a majority vote of its electors at an election for such purpose, establish a fund for the retirement of teachers who are over fifty years old, and who have faithfully served such district for twenty-five years. The fund shall be derived from such revenues as may lawfully be devoted to the said purpose by the directors of a district, or by direct appropriation by a town. The amount of the annual pension allowed to any person under the provisions of this section, shall not exceed one-half the annual compensation received by such person at the time of the retirement of such person, in no case, however, shall the same exceed four hundred dollars (\$400.00) per annum.

§ 15. If the board of school inspectors, or governing board of any such school district that may be within the terms of this Act, heretofore and subsequent to July 1, 1911, sought to establish and maintain a teachers' pension and retirement fund, without legal authority so to do, all Acts done with reference thereto are hereby validated, and shall be given the same force and effect in law and equity, as if they had been done under this Act.

§ 16. The provisions of this Act shall apply to the board of school inspectors of the city of Peoria, and to all other boards of directors, boards of education and boards of school inspectors, in districts within the limits of population above fixed, that exist under and by virtue of any special school charter heretofore granted to any such district by the said State of Illinois.

§ 17. The word "teachers" shall be held to include all teachers, superintendents, assistant teachers and school principals, who may be employed in the public schools of a district.

§ 18. If any school district organized under any special Act of the General Assembly shall create a teacher's pension and retirement fund, under the provisions of this Act, and shall thereafter cease to exist under such special Act, and shall operate under the general school laws, then in such event, the said fund shall be continued, maintained and administered under such general law by the proper officers of said district, and all persons holding any part of said fund or records relating to it, shall deliver the same to the proper officers of said new, or reorganized school district; and all the rights of all persons in and to said fund, shall be continued, and as well all the liabilities of all persons toward such fund shall continue as fully as though such original school district had been operating under the general school laws, rather than a special Act or charter, at the time such fund was created.

APPROVED June 27, 1913.

STATE LANDS.

ARMORY SITE FOR EIGHTH INFANTRY, CHICAGO—SALE AND CONVEYANCE.

Preamble.

§ 2. Issuance of patent.

§ 1. Description of land—conveyance authorized.

(HOUSE BILL NO. 850. APPROVED JUNE 21, 1913.)

AN ACT entitled, "*An Act providing for the sale and conveyance of all the right, title and interest of the State of Illinois in and to certain lands in the city of Chicago, purchased by the State for an armory site for the Eighth Infantry, Illinois National Guard.*"

WHEREAS, By virtue of an Act entitled, "An Act in relation to procuring of sites and for the erection of armory building[s] for the use of the Illinois National Guard and Illinois Naval Reserve, and making

an appropriation therefor," approved June 9, 1911, in force July 1, 1911, an appropriation of \$100,000 was made for the acquisition of land and for the erection of an armory for the use of the Eighth Infantry, Illinois National Guard; and

WHEREAS, The armory commission created by said Act, acting under the powers conferred by said Act, selected as a site for said armory for said Eighth Infantry, Illinois National Guard, a piece, parcel or tract of ground contiguous to a school in the city of Chicago known as the Doolittle school, and on the 7th day of March, 1912, A. D. 1912, acquired title thereto in the name of the People of the State of Illinois, by warranty deed of that date and paid as a consideration therefor the sum of \$19,530.00 *dollars*; and

WHEREAS, Said armory incurred and paid for the preparation of plans for an armory on said site; and

WHEREAS, It was a mutual convenience for the State of Illinois to abandon the erection of an armory building on the site so selected and purchased and for the city of Chicago, for the use of schools, to acquire the site so procured by the State of Illinois for armory purposes as aforesaid; and

WHEREAS, Said armory commission, acting for and on behalf of the State of Illinois, and the board of education of the city of Chicago, acting for and on behalf of the city of Chicago, have entered into a tentative agreement in and by which the State of Illinois, through the General Assembly, will sell and convey, and the city of Chicago for the use of schools will acquire and purchase the site so selected and acquired by said armory commission and will pay therefor the sum of \$19,530.00 *dollars*; and

WHEREAS, It is desired that said tentative agreement be ratified and confirmed; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all the right, title and interest of the State of Illinois in and to the following described tract, piece or parcel of land, to wit:

Lots three (3) to seven (7), all inclusive, in Vendervoot's subdivision of lots one (1) and two (2), in block four (4) of James R. Ellis' West Addition to Chicago, in the southeast quarter (S. E. $\frac{1}{4}$) of section thirty-four (34), township thirty-nine (39) North, range fourteen (14) East of the Third Principal Meridian, said property having a frontage on East Thirty-fifth street of one hundred twenty-five (125) feet, by a depth of two hundred and thirty-one (231) feet, more or less, situated in the city of Chicago, county of Cook and State of Illinois, be and the same is hereby granted, quitclaimed and conveyed to the city of Chicago for the use of schools, upon the payment by the city of Chicago into the State treasury of the sum of \$19,530.00 *dollars*.

§ 2. Upon payment being made as above provided, then, a patent shall be issued under the great seal of the State by the Governor and Secretary of State, conveying to the city of Chicago, for the use of schools, the certain tract, piece or parcel of land described in section 1 of this Act.

APPROVED June 21, 1913.

STATUTES.

CONSTRUCTION OF THE STATUTES—POLICEMEN AND POLICE FORCE.

§ 1. As amended, adds twentieth paragraph.

(HOUSE BILL NO. 63. APPROVED JUNE 26, 1913.)

AN ACT to amend section 1 of an Act entitled, "*An Act to revise the law in relation to the construction of the statutes,*" approved March 5, 1874, in force July 1, 1874.

SECTION 1. GENERAL RULES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in the construction of all statutes now in force, or which may hereafter be enacted, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Legislature or repugnant to the context of the same statute, that is to say:

First—All general provisions, terms, phrases and expressions shall be liberally construed in order that the true intent and meaning of the Legislature may be fully carried out.

Second—Words in the present tense include the future.

Third—Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular.

Fourth—Words importing the masculine gender may be applied to females.

Fifth—The word "person" or "persons" as well as all words referring to or importing persons, may extend and be applied to bodies politic and corporate as well as individuals.

Sixth—The words "insane person" and "lunatic" shall include every idiot, *non compos*, lunatic, insane or distracted person; and the word "spendthrift" shall include every person who is liable to be put under guardianship on account of excessive drinking, gaming, idleness or debauchery.

Seventh—The words "county board" shall apply to the board of county commissioners in counties not under township organization, and the board of supervisors in counties under township organization, and to the board of commissioners of Cook county.

Eighth—The terms "sheriff," "coroner," "constable," "clerk," or other words used for an executive or ministerial officer, may include any deputy or other person performing the duties of such officer, either generally or in special cases and the words "county clerk" shall be held to include clerk of the county court, and the words "clerk of the county court" to include "county clerk."

Ninth—Words purporting to give a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons.

Tenth—The word "month" shall mean a calendar month, and the word "year," a calendar year unless otherwise expressed; and the word "year" alone, shall be equivalent to the expression "year of our Lord."

Eleventh—The time within which any Act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Sunday, and then it also shall be excluded.

Twelfth—The word "oath" shall be deemed to include an affirmation, and the word "sworn" shall be construed to include the word "affirmed."

Thirteenth—The word "wills" includes codicils.

Fourteenth—The word "State," when applied to different parts of the United States, may be construed to include the District of Columbia and the several territories, and the words "United States" may be construed to include the said district and territories.

Fifteenth—The words "written" and "in writing" may include printing and any other mode of representing words and letters; but when the written signature of any person is required by law to any official or public writing or bond, required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, his proper mark.

Sixteenth—The word "highway," "road" or "street" may include any road laid out by the authority of the United States, or of this State, or of any town or county of this State, and all bridges upon the same.

Seventeenth—The word "heretofore" shall mean any time previous to the day on which the statute takes effect; and the word "hereafter," at any time after such day.

Eighteenth—The term "laws now in force," and words of similar import, shall mean the laws in force at the time the Act containing the words shall take effect.

Nineteenth—The term "court" includes justices of the peace as well as all courts of record.

Twentieth—The words, "general superintendent of police," "secretary to the general superintendent of police," "assistant general superintendent of police," "first deputy superintendent of police," "chief of police," "assistant chief of police," "city marshal," "assistant city marshal," "deputy city marshal," "chief of detectives," "assistant chief of detectives," and all "captains," "lieutenants," "detective sergeants," "second-class sergeants," "sergeants," "inspector of police," "detectives," "patrolmen," "operators" and "civilian" or "plain clothes policemen" and "assistant identification inspector," shall mean "policemen employed and in the service of a municipality," and the term "police force" shall be construed to include such persons in the employ of a municipality as members of the department of police, who are or shall hereafter be appointed and sworn as policemen.

APPROVED June 26, 1913.

TOWNSHIP ORGANIZATION.

POWERS OF COUNTY BOARD—ALTERATION OF BOUNDARIES OF TOWNS.

§ 1. Amends section 1, article 3, Act of 1874.

§ 1. As amended, adds second proviso concerning remaining portions of towns, etc.

(HOUSE BILL NO. 659. APPROVED JUNE 28, 1913.)

AN ACT to amend an Act entitled, "An Act to amend section 1 of article 3 of an Act entitled, 'An Act to revise the law in relation to township organization,' approved and in force March 4, 1874," approved and in force May 14, 1893.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of article three of an Act entitled, "An Act to revise the law in relation to township organization," approved and in force March 4, 1874, be amended so as to read as follows:

ARTICLE III.

§ 1. POWERS OF THE COUNTY BOARD.] The county board or board of supervisors of each county, shall have jurisdiction to alter the boundaries of towns, to change town lines and to divide, enlarge and create new towns in their respective counties; and the county board or board of supervisors may make alterations of the town boundaries, and create a new town whenever, in any territory of not less than sixteen square miles, three-fourths or more of the voters resident in such territory shall petition for such new town: *Provided, however,* that such new territory proposed to be organized into a new town shall contain at least two hundred legal voters: *Provided, further,* that the respective remaining portions of each of the towns from which such new town shall be taken shall also contain not less than two hundred legal voters and not less than sixteen square miles and that a majority of the legal voters resident in each of such remaining portions of such towns respectively shall likewise join in such petition for the formation of such new town by signing the same: *Provided, however,* the county board or board of supervisors shall give notice thereof, by posting up notices in not less than five of the most public places of the town interested, at least sixty days before their final action; also, by publishing such notice at least three times in some newspaper published in the county wherein said towns are situated, if any shall be published therein: *Provided, further,* that no incorporated towns shall be divided, except consent thereto is given by a majority of all the electors in said town, notice that the question of dividing said town will be submitted to the legal voters thereof having been given by the county clerk at the same time, and in the same manner as the notice of general elections.

APPROVED June 28, 1913.

WARRANTS.

MANNER OF ISSUING WARRANTS AND JURORS' CERTIFICATES.

§ 1. When warrants may be drawn.

§ 2. Warrants issued in anticipation of taxes—
limitation—endorsement—payment.

§ 3. When warrants to bear interest—notice of
payment—jurors' certificates—not appli-
cable to school districts.

§ 4. Repeals Act of 1879.

(HOUSE BILL NO. 818. APPROVED JUNE 27, 1913.)

AN ACT to provide for the manner of issuing warrants upon the Treasurer of the State or of any county, township, city, village or other municipal corporation and jurors' certificates.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That warrants payable on demand, shall hereafter be drawn and issued upon the Treasurer of the State or of any county, township, city, village or other municipal corporation, or against any fund in his hands, only when at the time of the drawing and issuing of such warrants, there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

§ 2. That whenever there is not sufficient money in the treasury of any county, city, town, village or other municipal corporation to meet and defray the ordinary and necessary expenses thereof, including all expenses for building purposes, it shall be lawful for the proper authorities thereof to provide a fund to meet all said expenses by issuing and disposing of warrants drawn against and in anticipation of any taxes already levied by said authorities for the payment of all such ordinary and necessary expenses of such county, city, town, village or other municipal corporation, to the extent of seventy-five per centum of the total amount of any such tax levied: *Provided, however,* that warrants drawn and issued under the provisions of this section shall show upon their face that they are payable solely from said taxes when collected and not otherwise, and shall be received by any collector of taxes in payment of the taxes against which they are issued, and which taxes against which said warrants are drawn, shall be set apart and held for their payment.

§ 3. Every warrant issued under this Act shall bear interest, payable only out of the taxes against which it shall be drawn, at the rate of five per centum, per annum, from the date of its issuance until paid, or until notice shall be given by publication in a newspaper or otherwise, that the money for its payment is available, and that it will be paid on presentation unless a lower rate of interest shall be specified therein, in which case the interest shall be computed and paid at said lower rate. All jurors' certificates shall hereafter be issued in conformity with the provisions of this Act. The application of this Act, however, shall not relate to school districts.

§ 4. "An Act to provide for the manner of issuing warrants upon the treasurer of any county, township, city, school district, or other municipal corporation, and jurors' certificates," approved May 31, 1879, in force July 1, 1879, as amended by an Act approved May 11, 1901, in force July 1, 1901, is hereby repealed.

APPROVED June 27, 1913.

WEIGHTS AND MEASURES.

GENERAL REVISION.

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| § 1. Standard. | § 11. Firewood—penalty. |
| § 2. To be kept by State sealer. | § 12. State sealer—duties. |
| § 3. Unit or standard of length and surface. | § 13. County sealer to procure standards. |
| § 4. Unit or standard of weight. | § 14. Duty of county sealer. |
| § 5. Unit or standard of liquid measure. | § 15. Fees. |
| § 6. Heaped measure. | § 16. Penalty for neglect of county sealer. |
| § 7. Measures not heaped. | § 17. Seizure of false instruments and commodities—release—destruction. |
| § 8. Contracts—how construed. | § 18. Offenses and penalties. |
| § 9. Weight per bushel or barrel. | § 19. Repeals Act of 1874. |
| § 10. Offenses and penalty. | |

(HOUSE BILL NO. 393. APPROVED JUNE 27, 1913.)

AN ACT to revise the law in relation to weights and measures.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the weights and measures received from the United States, and now in charge of the Secretary of State, to wit: one yard measure, one standard half bushel containing one thousand and seventy-five and twenty-one hundredths standard cubic inches, one standard wine gallon containing two hundred and thirty-one standard cubic inches, one-half gallon, one wine quart, one wine pint, one wine half pint, one set of avoirdupois weights, consisting of fifty, twenty-five, twenty, ten, five, four, three, two and one pounds, and from eight ounces down to one dram; one set of troy weights, from five thousand pennyweights down to half a grain and from one pound down to the ten-thousandth part of an ounce, together with the three sets of balances received from the United States, shall be and remain, and be used as the sole authorized public standard of weights and measures, to which shall be added such new weights, measures, balances and other apparatus as may be received from the United States as standard weights, measures, balances and apparatus in addition thereto or in renewal thereof, as well as such weights, measures, balances and apparatus as may be added by the Secretary of State and verified by the National Bureau of Standards.

§ 2. Such weights, measures and balances as may be procured from time to time to replace those before mentioned shall be preserved in the same form and of the same dimensions, the denominations of the weights and measures being marked thereon, respectively; and they shall be sealed with the seal which is kept for that purpose by the State sealer.

§ 3. The unit or standard of length and surface, from which all the other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, is the standard yard designated in

this Act, which is divided into three equal parts called feet, and each foot into twelve equal parts called inches. For measures of cloth and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths and sixteenths. The rod, pole or perch, contains five and one-half yards; the mile one thousand seven hundred and sixty yards. The chain for measuring land is twenty-two yards long and is divided into one hundred equal parts called links. The acre for land measurement shall be measured horizontally and contain ten square chains, equivalent in area to a rectangle sixteen rods in length and ten in breadth, six hundred and forty acres being contained in a square mile.

§ 4. The units or standards of weight from which all the other weights shall be derived and ascertained shall be the standard avoirdupois and troy weights designated in this Act, an avoirdupois pound to contain seven thousand grains and a troy pound to contain five thousand seven hundred and sixty grains. Therefore, the avoirdupois pound bears to the troy pound the ratio of seven thousand to five thousand seven hundred and sixty, and is divided into sixteen equal parts called ounces. The hundredweight consists of one hundred avoirdupois pounds, and twenty hundredweight are a ton. The troy ounce is equal to a twelfth part of a troy pound.

§ 5. The units or standards of measure of capacity for liquids from which all other measures shall be derived and ascertained shall be the standard gallon and its parts designated in this Act. The barrel is equal to thirty-one and one-half gallons, and two barrels shall constitute a hogshead. All other measures of capacity for liquids shall be derived from the liquid gallon by continual division by the number two, so as to make half gallons, quarts, pints, half pints and gills. The unit or standard measure of capacity for substances not liquids, from which all measures of such substances shall be derived and ascertained, is the standard half bushel mentioned in this Act. The peck, half peck, quarter peck, quart and pint measure for measuring commodities which are not liquids shall be derived from the half bushel by successively dividing that measure by two.

§ 6. All commodities sold by heaped measure shall be duly heaped up in the form of a cone, the outside of the measure by which the same shall be measured to be the limit of the base of such cone, and such cone to be as high as the article to be measured will admit.

§ 7. The measures used for measuring dry commodities not heaped shall be stricken with a straight stick or roller.

§ 8. Contracts hereafter to be executed, made within this State, for any work to be done, or for anything to be sold, delivered, done or agreed for, by weight or measure, shall be taken and construed to be made according to the standard weight and measure ascertained as hereinbefore provided unless there is an express provision to the contrary.

§ 9. Whenever any of the following articles shall be contracted for, or sold, or delivered, and when no special contract or agreement shall be made to the contrary, the weight per bushel or barrel or divisible merchantable quantities of a bushel or barrel shall be as follows:

Wheat flour, per barrel, 196 pounds.
Wheat flour, per half barrel, 98 pounds.
Wheat flour, per quarter barrel sack, 49 pounds.
Wheat flour, per eighth barrel sack, $24\frac{1}{2}$ pounds.
Corn meal, per bushel sack, 48 pounds.
Corn meal, per half bushel sack, 24 pounds.
Corn meal, per quarter bushel sack, 12 pounds.
Alfalfa seed, per bushel, 60 pounds.
Apples, green, per bushel, 50 pounds.
Apples, dried, per bushel, 24 pounds.
Barley, per bushel, 48 pounds.
Beans, green or string, per bushel, 24 pounds.
Beans, wax, per bushel, 24 pounds.
Beans, white, per bushel, 60 pounds.
Beans, castor, per bushel, 46 pounds.
Beets, per bushel, 60 pounds.
Blue grass seed, per bushel, 14 pounds.
Bran, per bushel, 20 pounds.
Buckwheat, per bushel, 52 pounds.
Carrots, per bushel, 50 pounds.
Charcoal, per bushel, 20 pounds.
Clover seed, per bushel, 60 pounds.
Coal, per bushel, 80 pounds.
Coke, per bushel, 40 pounds.
Corn seed, broom, per bushel, 48 pounds.
Corn meal, unbolted, per bushel, 48 pounds.
Corn, in the ear, per bushel, 70 pounds.
Corn, kaffir, per bushel, 56 pounds.
Corn, shelled, per bushel, 56 pounds.
Cotton seed, per bushel, 32 pounds.
Cranberries, per bushel, 33 pounds.
Cucumbers, per bushel, 48 pounds.
Emmer, per bushel, 40 pounds.
Flax seed, per bushel, 56 pounds.
Gooseberries, per bushel, 40 pounds.
Hair, plastering, unwashed, per bushel, 8 pounds.
Hair, plastering, washed, per bushel, 4 pounds.
Hemp seed, per bushel, 44 pounds.
Hickory nuts, per bushel, 50 pounds.
Hungarian grass seed, per bushel, 50 pounds.
Indian corn or maize, per bushel, 56 pounds.
Lime, per bushel, 80 pounds.
Malt, per bushel, 38 pounds.
Millet, per bushel, 50 pounds.
Millet, Japanese barnyard, per bushel, 35 pounds.
Oats, per bushel, 32 pounds.
Onions, per bushel, 57 pounds.
Onion sets, top, per bushel, 30 pounds.
Onion sets, bottom, per bushel, 32 pounds.
Orchard grass seed, per bushel, 14 pounds.

Osage orange seed, per bushel, 33 pounds.
Parsnips, per bushel, 50 pounds.
Peaches, per bushel, 48 pounds.
Peaches, dried, per bushel, 33 pounds.
Peanuts, green, per bushel, 22 pounds.
Peanuts, roasted, per bushel, 20 pounds.
Pears, per bushel, 58 pounds.
Peas, dried, per bushel, 60 pounds.
Peas, green in pod, per bushel, 32 pounds.
Popcorn, in the ear, per bushel, 70 pounds.
Popcorn, shelled, per bushel, 56 pounds.
Potatoes, Irish, per bushel, 60 pounds.
Potatoes, sweet, per bushel, 50 pounds.
Quinces, per bushel, 48 pounds.
Rape seed, per bushel, 50 pounds.
Red top seed, per bushel, 14 pounds.
Rough rice, per bushel, 45 pounds.
Rutabagas, per bushel, 50 pounds.
Rye meal, per bushel, 50 pounds.
Rye, per bushel, 56 pounds.
Salt, coarse, per bushel, 55 pounds.
Salt, fine, per bushel, 50 pounds.
Shorts, per bushel, 20 pounds.
Sorghum seed, per bushel, 50 pounds.
Spelt, per bushel, 40 pounds.
Spinach, per bushel, 12 pounds.
Sweet clover seed, unhulled, per bushel, 33 pounds.
Timothy seed, per bushel, 45 pounds.
Tomatoes, per bushel, 56 pounds.
Turnips, per bushel, 55 pounds.
Walnuts, per bushel, 50 pounds.
Wheat, per bushel, 60 pounds.

Whenever any of the following named articles are sold by the cubic yard and the same are weighed, the following weights shall govern:

Crushed stone, 2,500 pounds, 1 cubic yard.

Bank sand, 2,500 pounds, 1 cubic yard.

Torpedo sand, 3,000 pounds, 1 cubic yard.

Gravel, 3,000 pounds, 1 cubic yard.

§ 10. Whoever, in buying any of the articles of property mentioned in the preceding section, shall take any greater number of pounds thereof to the bushel, barrel or cubic yard or divisible merchantable quantity of a bushel, barrel or cubic yard, or in selling any of said articles, shall give any less number of pounds thereof to the bushel, barrel or cubic yard or divisible merchantable quantity of a bushel, barrel or cubic yard than is allowed by said section, with intent to gain an advantage thereby, except expressly authorized so to do by special contract or agreement to that effect, shall be liable to the party injured in double the amount of the property so wrongfully taken or not given and ten dollars (\$10.00) in addition thereto, to be recovered in any form of action in any court of competent jurisdiction,

§ 11. Whenever any firewood shall be contracted for or sold or delivered; and when no special contract or agreement shall be made to the contrary, one hundred and twenty-eight cubic feet shall constitute a cord.

Whoever, in buying same, shall take any greater number of cubic feet thereof to the cord, or divisible merchantable quantity of a cord, or in selling same, shall give any less number of cubic feet to the cord or divisible merchantable quantity of a cord, with intent to gain an advantage thereby, except expressly authorized so to do by special contract or agreement to that effect, shall be liable to the party injured in the same manner as is provided in section 10 hereof.

§ 12. The Secretary of State shall be *ex officio* State sealer of weights and measures, and shall have the care and custody of the authorized public standards of weights and measures. He shall try and prove, by such standards, all weights and measures, scales and beams which may belong to any county, city or other municipal corporation and which may be sent or brought to him for that purpose by the county sealer or by the sealer or inspector of weights and measures of any city or other municipal corporation, and shall seal such weights and measures, scales and beams when found to be accurate, by stamping on them the letters "Ill." with a seal which he shall have and keep for that purpose. He shall also execute and deliver to such sealer or inspector of weights and measures a certificate stating that such weights, measures, scales or beams are accurate.

§ 13. The county clerk of each county shall be the sealer of weights and measures for the county, and shall have the care and custody of the county standards. He shall procure, at the expense of the county, when authorized by the county board, and not already provided, a full set of standard weights and measures, scales and beams, which he shall cause to be tried, proved and sealed by the Secretary of State as hereinbefore provided.

§ 14. The several county sealers shall try and prove all weights and measures, scales and beams within their respective counties, when requested so to do; and when the same are found or made to conform to the legal standards, they shall seal and mark such weights and measures with a seal to be kept by them for that purpose.

§ 15. The Secretary of State and each county sealer shall be entitled to receive for his services, at and after the following rates: For sealing and marking every beam, ten cents; for sealing and marking measures of extension, at the rate of ten cents per yard not to exceed fifty cents for any one measure; for sealing and marking every weight, two cents; for sealing and marking liquid and dry measures, if the same be of the capacity of a gallon or more, ten cents, or less than a gallon, five cents. They shall also be entitled to a reasonable compensation for making such weights and measures conform to the standard established by this Act.

§ 16. Every county clerk who neglects to have the standards under his charge compared and sealed as required by this Act, or neglects to keep the same in good order and repair, or who suffers any of them, through his neglect, to be lost, damaged or destroyed, shall forfeit to the

county not less than \$50.00 nor more than \$200.00 to be recovered before any justice of the peace or other court of competent jurisdiction in the county.

§ 17. The State sealer, or the sealer or inspector of weights and measures of any county, city or other municipal corporation in this State shall have the power and authority to seize and hold for use as evidence in any suit brought under the statutes of this State or under any ordinance or by-law of a municipal corporation of this State any short measure, or faulty or incorrect weight, scale or other instrument used for weighing or measuring, or any commodity or article of merchandise sold, offered or exposed for sale which is of less weight or measure than it is represented to be by the vendor, his agent or employee. Such short measure, faulty or incorrect weight, scale or other instrument used for weighing or measuring, or such commodity or article of merchandise (except perishable commodities or articles which shall have become of no value) shall be released and returned to the owner thereof, if no suit against such owner is commenced within ten days from the date of such seizure. Any such sealer or inspector of weights and measures who shall make any such seizure shall not be liable to the owner of the property seized for damages caused by such seizure in any case where in fact any such measure seized is short, or reasonable grounds exist for believing it so to be; or any weight, scale or other instrument used for weighing is faulty or incorrect, or reasonable grounds exist for believing it so to be; or any such scale, weight or measure, or any commodity or article of merchandise is of less weight or measure than it is represented, or reasonable grounds exist for believing it so to be. Upon the conviction of the defendant, the court shall cause any scale, weight or measure in respect whereof the defendant stands convicted, and which remains in the possession or under the control of the prosecutor or sealer, to be destroyed.

§ 18. Any person who shall sell any commodity or article or merchandise by any of the standard weights or measures hereinbefore established or any multiple or fraction thereof, and who shall use in such sale any weights, measures, scales, beams, balances, or instrument for weighing, other than such as conform to said standards, shall forfeit a sum not exceeding \$20.00 for each offense, and when by the custom of trade weights and measures are provided by the buyer, if any person shall purchase by any weights, measures, scales, beams, balances or instrument for weighing, other than the established standards, he shall be subject to a like penalty; such penalty in all cases to be recovered before a justice of the peace or other court of competent jurisdiction in the name of and for the use of the injured party.

§ 19. "An Act to revise the law in relation to weights and measures," approved February 27, 1874, in force July 1, 1874, and Acts amendatory thereto, are hereby repealed.

APPROVED June 27, 1913.

JOINT RESOLUTIONS.

ADDRESS OF HON. W. J. BRYAN—INVITATION JOINT COMMITTEE, ETC.

(Senate Joint Resolution No. 25.)

WHEREAS, Honorable W. J. Bryan, Secretary of State is expected to pass through the State of Illinois, Tuesday, March 18th, enroute to a birthday celebration, at his home in Lincoln, Nebraska, and

WHEREAS, It is the desire of the General Assembly of the State of Illinois, to pay its respect to the Secretary of State; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring therein, That an invitation be extended to the Honorable W. J. Bryan, Secretary of State, to stop over at the city of Springfield, and to appear before and address a joint session of the General Assembly of the State of Illinois on the said date, at such hour as may be agreeable and convenient to him.

Resolved, That the Secretary of the Senate and the Clerk of the House jointly execute an invitation upon behalf of the Senate and House and forward the same at once by telegraph to Secretary Bryan, at the Department of State, Washington, D. C., in accordance with the foregoing resolution; and, be it further

Resolved, That upon the acceptance of the invitation, a committee of six, three from the House to be appointed by the Speaker, and three from the Senate to be appointed by the President of the Senate, be appointed as a committee to make the arrangements for his reception and entertainment while a guest of the General Assembly of Illinois.

Adopted by the Senate March 12, 1913.

Concurred in by the House March 12, 1913.

ADDRESSES OF COUNT BERNSTORFF AND HON. JOSEPH W. BAILEY—JOINT COMMITTEE.

(Senate Joint Resolution No. 16.)

WHEREAS, Both Houses of the Forty-eighth General Assembly have adopted resolutions providing for a joint session to be held in the House of Representatives on February 12, 1913, at the hour of 2:30 o'clock p. m., for the purpose of listening to addresses to be delivered by Count von Bernstorff, German Ambassador to the United States, and the Honorable Joseph W. Bailey, late United States Senator from the State of Texas; and,

WHEREAS, It is necessary that proper arrangements be made for said joint session; therefore, be it

Resolved, by the Senate, the House of Representatives concurring herein, That a joint committee of ten be appointed, five from the House of Representatives and five from the Senate, said committee to be appointed by the Speaker of the House of Representatives and the President of the Senate, respectively, who shall arrange for said joint session and all matters incident thereto.

Adopted by the Senate February 11, 1913.

Concurred in by the House February 11, 1913.

ADJOURNMENT—FEBRUARY 4 TO FEBRUARY 11.

(House Joint Resolution No. 3.)

Resolved, by the House of Representatives, the Senate concurring herein,
That when the two Houses adjourn on Tuesday, February 4th, they stand
adjourned until 10:00 o'clock a. m., Tuesday, February 11, 1913.

Adopted by the House February 4, 1913.

Concurred in by the Senate February 4, 1913.

ADJOURNMENT—FEBRUARY 13 TO FEBRUARY 18.

(Senate Joint Resolution No. 18.)

Resolved, by the Senate, the House of Representatives concurring therein,
That when the two Houses adjourn on Thursday, February 13, 1913, they
stand adjourned until Tuesday, February 18, 1913, at 10:00 o'clock a. m.

Adopted by the Senate February 13, 1913.

Concurred in by the House February 13, 1913.

ADJOURNMENT—FEBRUARY 20 TO FEBRUARY 26.

(Senate Joint Resolution No. 21.)

Resolved, by the Senate, the House of Representatives concurring herein,
That when the two Houses adjourn on Thursday, February 20, 1913, they
stand adjourned until Wednesday, February 26, 1913, at 10:00 o'clock a. m.

Adopted by the Senate February 20, 1913.

Concurred in by the House February 20, 1913.

ADJOURNMENT—FEBRUARY 27 TO MARCH 12.

(House Joint Resolution No. 9.)

Resolved, by the House of Representatives, the Senate concurring herein,
That when the two Houses adjourn on Thursday, February 27th, they stand
adjourned until 11:00 o'clock a. m., Wednesday, March 12, 1913.

Adopted by the House February 27, 1913.

Concurred in by the Senate February 27, 1913.

ADJOURNMENT—MARCH 13 TO MARCH 18.

(Senate Joint Resolution No. 27.)

Resolved, by the Senate, the House of Representatives concurring herein,
That when the two Houses adjourn on Thursday, March 13, A. D. 1913, they
stand adjourned until Tuesday, March 18, A. D. 1913, at 10:00 o'clock a. m.

Adopted by the Senate March 13, 1913.

Concurred in by the House March 13, 1913.

ADJOURNMENT—MARCH 20 TO MARCH 25.

(House Joint Resolution No. 14.)

Resolved, by the House of Representatives, the Senate concurring herein,
That when the two Houses adjourn on Thursday, March 20, they stand
adjourned until 10:00 o'clock a. m., Tuesday, March 25, 1913.

Adopted by the House March 20, 1913.

Concurred in by the Senate March 20, 1913.

ADJOURNMENT—MARCH 27 TO APRIL 2.

(Senate Joint Resolution No. 31.)

Resolved, by the Senate, the House of Representatives concurring therein,
That when the two Houses adjourn on Thursday, March 27, 1913, they
stand adjourned until Wednesday, April 2, 1913, at 10 o'clock a. m.

Adopted by the Senate March 26, 1913.

Concurred in by the House March 27, 1913.

ADJOURNMENT—APRIL 4 TO APRIL 8.

(House Joint Resolution No. 18.)

Resolved, by the House of Representatives, the Senate concurring herein,
That when the two Houses adjourn on Friday, April 4, they stand adjourned
until 10:00 a. m., Tuesday April 8, 1913.

Adopted by the House April 3, 1913.

Concurred in by the Senate April 3, 1913.

ADJOURNMENT—APRIL 11 TO APRIL 16.

(Senate Joint Resolution No. 34.)

Resolved, by the Senate, the House of Representatives concurring herein,
That when the two Houses adjourn on Friday, April 11, 1913, they stand
adjourned until Wednesday, April 16, 1913, at 10:00 o'clock a. m.

Adopted by the Senate April 10, 1913.

Concurred in by the House April 10, 1913.

ADJOURNMENT—APRIL 18 TO APRIL 22.

(Senate Joint Resolution No. 37.)

Resolved, by the Senate, the House of Representatives concurring therein,
That when the two houses adjourn on Friday, April 18, 1913, they stand
adjourned until Tuesday, April 22, 1913, at 10:00 o'clock a. m.

Adopted by the Senate April 18, 1913.

Concurred in by the House April 18, 1913.

ADJOURNMENT—APRIL 25 TO APRIL 29.

(House Joint Resolution No. 30.)

Resolved, by the House of Representatives the Senate concurring herein,
That when the two Houses adjourn on Friday, April 25th, they stand
adjourned until Tuesday, April 29, 1913, at 10:00 o'clock a. m.

Adopted by the House April 24, 1913.

Concurred in by the Senate April 24, 1913.

ADJOURNMENT—MAY 2 TO MAY 6.

(Senate Joint Resolution No. 42.)

Resolved by the Senate, the House of Representatives concurring herein,
That when the two houses adjourn on Friday, May 2, 1913, they stand
adjourned until Tuesday, May 6, 1913, at 10:00 o'clock a. m.

Adopted by the Senate May 1, 1913.

Concurred in by the House May 2, 1913.

ADJOURNMENT—MAY 9 TO MAY 13.

(Senate Joint Resolution No. 44.)

Resolved, by the Senate, the House of Representatives concurring herein,
That when the two houses adjourn on Friday, May 9, 1913, they stand
adjourned until Tuesday, May 13, 1913, at 10:00 o'clock a. m.

Adopted by the Senate May 8, 1913.

Concurred in by the House May 9, 1913.

ADJOURNMENT—MAY 16 TO MAY 20.

(Senate Joint Resolution No. 45.)

Resolved, by the Senate, the House of Representatives concurring herein,
That when the two Houses adjourn on Friday, May 16, 1913, they stand
adjourned until Tuesday, May 20, 1913, at 10:00 o'clock a. m.

Adopted by the Senate May 15, 1913.

Concurred in by the House May 16, 1913.

ADJOURNMENT—MAY 23 TO MAY 27.

(Senate Joint Resolution No. 46.)

Resolved, by the Senate, the House of Representatives concurring herein,
That when the two Houses adjourn on Friday, May 23, 1913, they stand
adjourned until Tuesday, May 27, 1913, at 10:00 o'clock a. m.

Adopted by the Senate May 22, 1913.

Concurred in by the House May 22, 1913.

ADJOURNMENT—MAY 29 TO JUNE 3.

(House Joint Resolution No. 34.)

Resolved, by the House of Representatives, the Senate concurring herein,
That when the two Houses adjourn on Thursday, May 29th, they stand ad-
journed until 10:00 o'clock a. m., Tuesday, June 3, 1913.

Adopted by the House May 29, 1913.

Concurred in by the Senate May 29, 1913.

ADJOURNMENT—SINE DIE.

(Senate Joint Resolution No. 47.)

Resolved, by the Senate, the House of Representatives concurring herein,
That when the two Houses adjourn on Friday, June 20, 1913, a recess be
taken until 12:00 o'clock noon on Monday, June 30, 1913, for the purpose of
considering only messages from the Governor on bills passed by the General
Assembly and that when the General Assembly adjourns upon June 30, 1913,
it stands adjourned *sine die*; and, be it further

Resolved, That on June 20, 1913, all bills on the order of first or second
reading on the calendars of either House, or in committee, lie on the table.

Adopted by the Senate June 13, 1913.

Amended by the House June 13, 1913.

Concurred in by the Senate June 13, 1913.

BIOLOGICAL LABORATORY—VISITATION.

(House Joint Resolution No. 31.)

Resolved, by the House of Representatives of the Forty-eighth General Assembly of the State of Illinois, the Senate concurring herein, That the House and Senate on Wednesday, April 30, 1913, visit the State Biological Laboratory grounds leaving the city at 12:10 o'clock p. m., returning, arriving at the Capitol at 2:00 o'clock p. m.

Adopted by the House April 24, 1913.

Concurred in by the Senate April 29, 1913.

CANVASS OF ELECTION RETURNS—JOINT ASSEMBLY.

(House Joint Resolution No. 1.)

Resolved, by the House of Representatives, the Senate concurring herein, That the House and Senate assemble in the Hall of the House of Representatives, at 12:30 o'clock p. m., or as soon thereafter as may be on January 30, 1913, for the purposes specified in article five, section four of the Constitution with relation to the opening and publishing of the returns of the election for State officers held on the 5th day of November, A. D. 1912, as required by the Constitution of this State.

Adopted by the House January 30, 1913.

Amended by the Senate January 30, 1913.

Concurred in by the House January 30, 1913.

CENTENNIAL ANNIVERSARY OF ADMISSION OF STATE—APPOINTMENT OF COMMISSION.

(Senate Joint Resolution No. 15.)

WHEREAS, Illinois was admitted to the union of states December third, eighteen hundred eighteen, A. D., the centennial anniversary thereof being rapidly approaching, and it being meet and fit that the State which has given of its sons so liberally to the progress of the Nation and the world, during the period of its statehood should fittingly observe its hundredth anniversary by a celebration which shall do honor to itself and to the Nation;

Resolved, by the Senate, the House of Representatives concurring, That a commission, consisting of five members of the Senate and five members of the House of Representatives of the Forty-eighth General Assembly shall be appointed to have charge of the preliminary arrangements of such celebration to be held in Springfield, the State Capital, on such centennial date, and to determine, as may be, the character and necessities of such celebration, and to report the result of its findings to the Forty-ninth General Assembly. Such joint commission to hold its meetings in the city of Springfield, at such time or times as may be necessary to successfully inaugurate such movement.

Adopted by the Senate February 12, 1913.

Concurred in by the House February 18, 1913.

CENTENNIAL ANNIVERSARY OF ADMISSION OF STATE—COMMISSION ENLARGED.

(Senate Joint Resolution No. 20.)

WHEREAS, Senate Joint Resolution No. 15 was adopted by the Senate on the twelfth day of February, 1913, and adopted by the House of Representatives on February 18, 1913; wherein it was provided that a commission con-

sisting of ten members of the General Assembly be appointed to have charge of the preliminary arrangement to celebrate the centennial anniversary of the admittance of the State of Illinois into the Union; and,

WHEREAS, Since the adoption and concurrence of the said resolution, it has been found that it would be beneficial and of great assistance to the joint committee of the General Assembly to be appointed under said resolution, because of their great experience and knowledge to have five additional members added thereto of whom three shall be officials in the University of Illinois and the other two shall be representatives of the Illinois Historical Society; therefore,

Resolved, by the Senate of the State of Illinois, the House of Representatives concurring therein, That E. J. James, E. B. Greene and J. W. Garner, of the University of Illinois, and Jesse Palmer Webber and Dr. Otto L. Schmidt, of the Illinois Historical Society are hereby appointed as additional members of the committee heretofore provided for; further

Resolved, That the committee is hereby authorized to employ such necessary assistants as may be deemed expedient to carry out the purposes of this resolution, and that an appropriation be made therefor.

Adopted by the Senate February 20, 1913.

Concurred in by the House April 8, 1913.

DEATH OF GEORGE BARTELL.

(House Joint Resolution No. 37.)

WHEREAS, By reason of an awful collision occurring yesterday afternoon near Riverton, Illinois, between a Wabash passenger train and his automobile, George Bartell, a respected citizen of Springfield, met an untimely death; therefore, be it

Resolved, That the House of Representatives, the Senate concurring herein, Deeply regret this untimely accident and convey to the sorrowing parents and friends of the deceased, our heartfelt sympathy in their grief; and, be it further

Resolved, That the Secretary of State be, and he is hereby directed to forward copies of this resolution to the bereaved relatives.

Adopted by the House June 11, 1913.

Concurred in by the Senate June 12, 1913.

DEATH OF MESSRS. A. E. IVERSON, H. T. GAUER AND R. J. CARROLL.

(Senate Joint Resolution No. 51.)

WHEREAS, By reason of an awful collision occurring this afternoon, Messrs. A. E. Iverson, H. T. Gauer and R. J. Carroll, prominent business men from Chicago upon a visit here, were instantly killed;

Resolved, That the Senate of Illinois, the House of Representatives concurring, Deeply regret this untimely accident and convey to the widows and families of the deceased our heartfelt sympathy in their grief.

Resolved, further, That the Secretary of State be, and he is, hereby directed to forward copies of this resolution to the bereaved families.

Adopted by the Senate, June 10, 1913.

Concurred in by the House June 10, 1913.

DOUGLAS CENTENNIAL ADDRESSES—JOINT COMMITTEE.

(Senate Joint Resolution No. 33.)

WHEREAS, April 23, 1913, is the one hundredth anniversary of the birth of Stephen A. Douglas, who was one of Illinois' foremost sons of his time and generation; and,

WHEREAS, It is fitting and proper that the General Assembly of the State of Illinois, a State which he so ably represented in the Senate of the United States and a State which he also served so well as a member of its Supreme Court should pause in its deliberations long enough to pay tribute to the memory of this man, one who also did so much at the opening of the Civil War to uphold the hands of the then President, Abraham Lincoln, whose opponent he was for that office and whose political competitor he had been for years in the political arena of Illinois and the nation; therefore, be it

Resolved, by the Senate, the House of Representatives concurring therein, That a committee of five be appointed from each house, who shall make all the necessary arrangements for the holding of a joint session of the General Assembly on April 23 at 2:00 o'clock p. m., in the hall of the House of Representatives for the purpose of listening to such appropriate addresses as the committee hereby authorized shall arrange for.

Adopted by the Senate April 9, 1913.

Concurred in by the House April 10, 1913.

DOUGLAS CENTENNIAL EXERCISES—THANKS EXTENDED TO PARTICIPANTS.

(Senate Joint Resolution No. 39.)

Resolved, by the Senate of the State of Illinois, the House of Representatives concurring therein, That the thanks of the Forty-eighth General Assembly be and are hereby extended to the committee of the General Assembly for the able and efficient manner of conducting the exercises in commemoration of the Centennial Anniversary of the birth of Stephen A. Douglas on the 23rd day of April, 1913.

Further resolved, That we extend to the Hon. Robert D. Douglas, the Hon. James A. Reid, the Hon. James Hamilton Lewis, the Hon. Lawrence Y. Sherman, the Hon. William L. Davidson and the Hon. Everett Jennings, our sincere gratitude for the sacrifice made by each and every one of them in assisting the said celebration to be successful in every respect by their attendance and participation in such ceremonies.

Further resolved, That a copy of this resolution attested by the Secretary of the Senate and the Clerk of the House of Representatives be forwarded to each and every one of the participants in such celebration conveying our appreciation to them.

Adopted by the Senate April 24, 1913.

Concurred in by the House April 24, 1913.

GETTYSBURG SEMI-CENTENNIAL CELEBRATION—JOINT COMMISSION.

(House Joint Resolution No. 35.)

WHEREAS, Two score and ten years ago, there was dedicated a portion of a field as a final resting place in Gettysburg, for those who gave their lives that this great nation may live; and,

WHEREAS, There will be commemorated the semi-centennial of such dedication in Philadelphia, Pa., in consecration of the brave who struggled on the battlefield to advance a cause as their principles dictated; and,

WHEREAS, The line of demarcation, which caused the conflict, has been forever obliterated and the North and the South and the East and the West are a unity under one flag of freedom; and,

WHEREAS, Among the brave who in the days of war, carried arms for the nation, there are surviving in the House of Representatives in the State of Illinois, the Honorable James H. Farrell, the Honorable Joseph Carter, the Honorable R. D. Kirkpatrick and the Honorable Thomas Campbell; and,

WHEREAS, In the Senate there are surviving two veterans now linked by the strong tie of brotherhood, and associates but former rivals on the battlefield, the Honorable Campbell S. Hearn and the Honorable Edmond Beall; and,

WHEREAS, It is commensurate that the State of Illinois, the home of the martyred Lincoln, at that time President of the United States, should be fittingly represented at such commemoration to show our sincere devotion for those who sacrificed their lives for our country; therefore, be it

Resolved, That a committee of six, composed of the aforesaid Hon. James H. Farrell, Hon. Joseph Carter, Hon. R. D. Kirkpatrick, Hon. Thomas Campbell, Hon. Campbell S. Hearn and Hon. Edmond Beall, be appointed to represent the State of Illinois at the said semi-centennial in Philadelphia, in July, 1913; and, be it further

Resolved, That all necessary expenses incurred by such committee be paid out of the contingent fund of the House and Senate, respectively, upon proper vouchers certified to by the respective presiding officer of either branch of the General Assembly and the chairman of the respective Committee on Contingent Expenses.

Adopted by the House June 4, 1913.

Concurred in by the Senate June 12, 1913

INAUGURATION OF STATE OFFICERS—JOINT ASSEMBLY.

(House Joint Resolution No. 2.)

Resolved, by the House of Representatives, the Senate concurring herein, That the two Houses meet in joint session in the Hall of the House of Representatives, on Monday, February 3, 1913, at 12:00 o'clock meridian, for the purpose of witnessing the inauguration of Governor, Lieutenant Governor and other State officers-elect of the State of Illinois.

Adopted by the House February 3, 1913.

Concurred in by the Senate February 3, 1913.

INAUGURATION OF STATE OFFICERS—JOINT COMMITTEE.

(Senate Joint Resolution No. 1.)

Resolved, by the Senate, the House of Representatives concurring herein, That a joint committee be appointed consisting of six members of the Senate, to be appointed by the President of the Senate, and six members of the House of Representatives, to be appointed by the Speaker thereof, who shall have charge of, and make all necessary arrangements for the inauguration of the Governor and other State officers on Monday, January 13, 1913, or such other date as may be decided upon for the inauguration, and that all necessary expenses incurred by such committee shall be paid upon vouchers certified to by the chairman of said committee and approved by the President of the Senate and the Speaker of the House of Representatives.

Adopted by the Senate January 22, 1913.

Concurred in by the House January 30, 1913.

INVESTIGATIONS—DEPARTMENTS OF STATE GOVERNMENT.

(Senate Joint Resolution No. 22.)

WHEREAS, The General Assembly of the State of Illinois has from time to time created various commissions, boards, bureaus and other additions to the State government; and,

WHEREAS, The duties of these various commissions, boards and bureaus in many cases overlap and conflict, one with the other; and,

WHEREAS, The duties of these various commissions, boards, bureaus, etc., can in many instances be more efficiently and more economically performed by combining these various departments and abolishing those which are an unnecessary drain on the public treasury; and,

WHEREAS, Owing to the marvelous growth of our State in all the departments of its government a thorough reorganization with a view to greater efficiency and greater economy is demanded; now, therefore, be it

Resolved, by the Senate of the State of Illinois, the House of Representatives concurring therein. That a joint committee of eight (8) be appointed, composed of four (4) Senators and four (4) Representatives, who shall have full power and authority to investigate all departments of the State government, including all boards, bureaus and commissions which have been created by the General Assembly, such investigation to be made with a view of securing a more perfect system of accounting, combining and centralizing the duties of the various departments, abolishing such as are useless and securing for the State of Illinois such reorganization that will promote greater efficiency and greater economy in her various branches of government;

Resolved, That the committee shall have whole power and authority to subpoena witnesses and to examine into and compel the production of books, papers and documents;

Resolved, That the committee shall have full authority to employ expert accountants, attorneys, stenographers and other assistants necessary to carry on their investigations and make their report;

Resolved, That the expenses of said committee and employees shall be paid out of any appropriation made therefor by the General Assembly upon voucher properly drawn upon the Auditor of Public Accounts properly itemized and signed and approved by the chairman and secretary of the joint committee. The committee shall conduct its investigations and report its findings and make its recommendations together with such bill or bills that it may deem proper to submit to the Forty-ninth General Assembly of the State of Illinois.

Adopted by the Senate March 26, 1913.

Concurred in by the House April 3, 1913.

INVESTIGATIONS—HOME FINDING INSTITUTIONS.

(House Joint Resolution No. 36.)

WHEREAS, On April 3, 1913, the House of Representatives adopted House Resolution No. 46 pursuant to the request of the Governor of the State of Illinois, and because of other good and substantial reasons set forth in said resolution, that certain charitable organizations licensed to handle wards of the State were organized for financial gain, and not to carry out the charitable purposes for which they were organized; and,

WHEREAS, The committee appointed under such House resolution entered upon the discharge of their duties and have made a tentative report of their acts and doings; and,

WHEREAS, The committee believe that it is essential and expedient in the interests of the public and in the furtherance of the good government of this State to continue a most researching, scrutinizing and careful examination and investigation, and that the same be conducted by a committee of both the House of Representatives and the Senate of the State of Illinois; therefore, be it

Resolved, That a joint committee of five Representatives and five Senators be appointed, respectively, by the Speaker of the House of Representatives and the Executive Committee of the Senate to continue the investigation and inquiry into the methods and actions of such charitable institutions and organizations licensed by the State of Illinois, and of all societies and

organizations licensed by the State to handle and dispose of children under the juvenile law, and to investigate their accounts of receipts and expenditures for the purpose of determining whether all moneys received by them are dispensed with proper regards for the authority given by the State to such institutions and societies, and to ascertain if these societies and institutions and organizations incorporated, not for profit, are engaged in the name of charity and by virtue of standing of the organization to traffic of [or] commerce for gain; and, be it further

Resolved, That the said committee be and it hereby is, empowered and fully authorized, to take any and all steps that may be necessary to make full and complete investigation of the above specified matters; and in the doing of this, said committee is specially authorized and empowered, to summons before said committee as witnesses any and all persons who may, in the judgment of the committee be possessed of any information deemed valuable by said committee, this to include the power to summons by subpoena *duces tecum* all persons possessed of, or in any way in charge of books, documents and papers desired as evidence by said committee; and said committee shall have, and it hereby has the same power or powers possessed by the General Assembly, to enforce its orders, and to compel the attendance of witnesses and the production of books, documents and papers; and, be it further

Resolved, That the said committee shall have the power to employ any assistants, a stenographer and clerks; and, be it further

Resolved, That the said committee shall continue its inquiry and investigation and report to the Forty-ninth General Assembly, and that the said committee shall receive no compensation, but shall be paid its actual expenses and that an appropriation be made for the sum of seven thousand dollars (\$7,000.00) to meet the actual expenses of the said committee, as well as such assistants that may be necessarily employed by it, and that an appropriation in said sum be made by the General Assembly, and that all expenses necessarily incurred shall be paid on voucher certified to by the chairman of the said committee and approved by either the Speaker of the House or the Lieutenant Governor.

Adopted by the House June 4, 1913.

Amended by the Senate June 12, 1913.

Concurred in by the House June 13, 1913.

INVESTIGATIONS—INSURANCE COMMISSION PERPETUATED.

(House Joint Resolution No. 21.)

WHEREAS, Under and by virtue of House Joint Resolution No. 26, of the Forty-seventh General Assembly, adopted by the House of Representatives on the 10th day of May, 1911, and concurred in by the Senate, with amendments, on the 18th day of May, 1911, a commission of ten members was appointed for the purpose of making a careful and exhaustive investigation of the questions of classification of physical conditions of property as a basis of fire insurance rates in the State of Illinois and to consider and arrange a codification of the insurance laws of the State of Illinois; and,

WHEREAS, Said Joint Resolution directed that said commission prepare its findings and present the same with its recommendations to the Governor of the State of Illinois and the Forty-eighth General Assembly of this State; and,

WHEREAS, Said insurance commission, because of the magnitude of the tasks before it, which tasks involve a comparative study of the insurance laws of the principal states of the Union, and also of the experiences of insurers and insured thereunder, is unable to present a complete report during this

session of the Legislature and said commission should be given further time to finish its investigation, and complete a codification of the insurance laws of the State of Illinois; therefore, be it

Resolved, by the House of Representatives, the Senate concurring therein, That said insurance commission, be and it is hereby perpetuated, and the time given said commission for its investigation and for the codification of the insurance laws of the State of Illinois is hereby extended until the next regular session of the General Assembly of the State of Illinois, at which time it is directed to make its report.

Adopted by the House May 1, 1913.

Concurred in by the Senate May 16, 1913.

INVESTIGATIONS—LOCKING ILLINOIS AND MICHIGAN CANAL WITH SANITARY DISTRICT CANAL, ETC.

(Senate Joint Resolution No. 19.)

WHEREAS, For many years past, the Illinois and Michigan Canal, from Lockport, Illinois, to Chicago, Illinois, has been used but very little, and in its present condition is of no commercial value to the people of the State of Illinois; and,

WHEREAS, On account of the shallow water in the canal it has become a public nuisance, and a menace to the health of the people in the vicinity of the canal; and,

WHEREAS, Locks could be built at Lockport, Illinois, connecting the Illinois and Michigan Canal with the Sanitary District Canal; and,

WHEREAS, The canal could be filled in at very little cost, if any, to the State of Illinois, and a State road could be built thereon two hundred and forty (240) feet in width and thirty-five (35) miles long; therefore, be it

Resolved, by the Senate and the House of Representatives concurring therein, That the Governor of the State of Illinois and three citizens to be appointed by the Governor to act in conjunction with the Illinois and Michigan Canal Commissioners, and the Trustees of the Sanitary District, to investigate the feasibility of locking the Illinois and Michigan Canal with the Sanitary District Canal, at Lockport, Illinois; the filling in of the canal from Lockport, Illinois, to Chicago, Illinois, and also the drafting of a bill to be presented to Congress authorizing the State of Illinois to fill in the canal from Lockport, Illinois, to Chicago, Illinois, and using the same for a public highway; and that the committee be authorized to employ such assistance as is necessary; and shall report to the Forty-ninth General Assembly, and make such recommendations as they deem advisable.

Adopted by the Senate June 17, 1913.

Concurred in by the House June 20, 1913.

INVESTIGATIONS—RETAINING WALLS IN WILL COUNTY.

(Senate Joint Resolution No. 52.)

WHEREAS, The Sanitary District of Chicago, in the construction of its channel erected retaining walls at and near and in the vicinity of the city of Lockport and the city of Joliet, in Will County; and,

WHEREAS, Some of the walls thus constructed bear and exhibit marked evidences of weakness; and,

WHEREAS, There is contained within said walls, a large volume of water, which, if liberated by the giving way of the walls, would undoubtedly result in the destruction of life and property in and about the cities of Joliet and Lockport; and,

WHEREAS, The Sanitary District of Chicago, in the construction of the channel erected retaining walls at and near and in the vicinity of Lockport and city of Joliet, in Will County; and,

WHEREAS, Some of the walls thus constructed exhibit marked evidences of weakness; and,

WHEREAS, In the construction of said channel the course of the Chicago River was changed so that flood waters that formerly went to Lake Michigan through the Chicago river are now sent down the DesPlaines river through said city of Joliet, which said flood waters together with the waters from the main channel of said Sanitary District increases greatly the flow of water in DesPlaines river through said city of Joliet; and,

WHEREAS, Eminent engineers have given warning that there is an impending danger which menaces the safety of life and property in said city; and,

WHEREAS, Because of the recent floods in the various parts of the country, and in the State of Illinois, the people of the vicinities herein mentioned, have become very much exercised and alarmed on account of the obvious dangers from the breaking of any of said retaining walls; and,

WHEREAS, A preliminary investigation has been made by a committee of Senators, who made a tentative report in respect to subject matter herein contained; therefore, be it

Resolved, by the Senate, the House of Representatives concurring therein, That a committee of five Senators and five members of the House of Representatives, be appointed from the Senate and House of Representatives, respectively, of the State of Illinois, to investigate the condition of the said retaining walls, and the probable dangers from said flood waters and report their findings to the General Assembly with all convenient speed; and, be it further

Resolved, That such committee shall have the power to administer oaths, take evidence, subpoena witnesses and compel them to testify, compel the production of books, papers and documents, and to do any and all other lawful acts to carry out the foregoing purposes; and, be it further

Resolved, That said committee may appoint and employ such engineers and other assistants in the premises as it may deem necessary; and, be it further

Resolved, That such expenses connected with this investigation as shall be necessary, shall be certified to by the chairman of said committee, and shall be payable out of the fund for committee expenses, or out of an appropriation to be made therefor.

Adopted by the Senate June 11, 1913.

Concurred in by the House June 20, 1913

INVESTIGATIONS—UNEMPLOYMENT OF STATE.

(Senate Joint Resolution No. 28.)

Resolved, by the Senate, the House of Representatives concurring herein, That a commission of nine members be and is hereby established to be known as the Commission on Unemployment of the State of Illinois. The members of said commission shall be appointed by the Governor as soon as practicable after the taking effect of this resolution and shall consist of three representatives of labor, three representatives of employers of labor, and three representatives of the public who are not identified with either the employing or employed classes. Each member of said commission shall have equal authority, power and voting strength in considering and acting upon all matters considered by the commission.

The said commission shall have power and authority to investigate the subject of unemployment of Illinois, together with the causes leading thereto, and the effect of such idleness upon the commonwealth and its citizenship.

Said commission shall meet at the State Capitol building in Springfield

on the third Tuesday after notice of their appointment, and shall immediately elect a chairman and secretary from among their number, one of whom shall be an employer and the other a representative of the employees.

Six members of the commission shall constitute a quorum for the transaction of business, but a fewer number than a quorum may adjourn the meeting of the commission from time to time.

The meeting of said commission shall be held at such times and places within the State of Illinois as may be fixed by the said commission.

Said commission shall report to the Governor and to the General Assembly at its regular session, submitting, so far as they have agreed, a bill or bills or other means destined to meet the purpose announced in this resolution.

The commission may employ such necessary assistants it deems wise and expedient in pursuit of its investigation and shall fix their salaries.

The commission shall be allowed its necessary and actual expenses incurred in pursuit of its investigations out of any moneys appropriated for the purpose upon presentation of proper vouchers certified to by the chairman and secretary of said commission and approved by the Governor.

Adopted by the Senate March 26, 1913.

Concurred in by the House April 23, 1913.

INVESTIGATIONS—VOTING MACHINES IN CHICAGO.

(House Joint Resolution No. 23.)

WHEREAS, An Act was passed by the Forty-third General Assembly amending the general election law of this State, entitled, "An Act to provide for the use of voting machines at elections for casting, registering, recording and counting ballots or votes; also creating a board of voting machine commissioners and defining its duties." (Approved May 14, 1903, in force July 1, 1903.)

430. SUBMISSION OF QUESTION OF ADOPTING VOTING MACHINE—CONSTRUCTION OF MACHINE—REQUIREMENTS SPECIFIED.] SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That anybody or board of public officials, or any officer or officers charged by law with the duty of providing material and supplies for holding an election or elections in any city, village, incorporated town, county, precinct, election district or other civil division of the State, may at any general or special election submit a proposition to the qualified voters thereof to adopt a voting machine or voting machines, and whenever a majority of the electors of any such city, village, incorporated town, county, precinct, election district or other civil division voting upon said proposition shall have declared therefor, may purchase or lease a voting machine or voting machines for any or all of the election precincts for which he, it or they are by law charged by law with the duty of providing material and supplies for holding an election or elections, at the expense of the city, village, incorporated town, county, precinct, election district or other civil division of the State now chargeable by law with the expenses of the material and supplies for holding general elections in such civil division or divisions. If the question of using a voting machine or voting machines be not submitted to the voters by the proper public officials, a petition signed by 10 per cent of the voters of any city, village, incorporated town, county, precinct, election district or other civil division of the State and addressed to them at least sixty days before any general election asking the submission of the question of adopting a voting machine or voting machines shall compel the submission of the question to the voters at that election. Use of such machines may be discontinued on resubmission of the question and a vote in favor thereof at any subsequent election: *Provided, and however,* That no such voting machine shall be used, purchased, leased or adopted until the board of voting machine commissioners hereinafter provided for, or a majority thereof, shall have made and filed a report certifying that they have exam-

ined such machine; that it affords each elector an opportunity to vote in absolute secrecy; that it enables each elector to vote a straight party ticket; that it enables each elector to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all other parties, and in part from an independent nomination and in part of persons not in nomination by any party or upon any independent ticket; that it enables each elector to vote a written or printed ballot of his own selection, for any person for any office for which he may desire; that it enables each elector to vote for all candidates for whom he is entitled to vote and prevents him from voting for any candidate for any office more than once, unless he is lawfully entitled to cast more than one vote for one candidate and in that event permits him to cast only as many votes for that candidate as he is by law entitled and no more; that it prevents the elector from voting for more than one person for the same office unless he is lawfully entitled to vote for more than one person therefor, and in that event permits him to vote for as many persons for that office as he is by law entitled and no more; and that such machine will register correctly by means of exact counters, every vote cast for the regular tickets thereon; and has the capacity to contain the tickets of seven political parties with the names of all the candidates thereon, together with all propositions to be voted upon except that it may be so constructed that the names of all candidates for presidential electors will not occur thereon, but in lieu thereof one ballot label in each party column or row shall contain only the words "Presidential Electors," preceded by the party name. That all votes cast on the machine on a regular ballot or ballots shall be registered; that voters may by means of irregular ballots or otherwise vote for any person for any office, although such person may not have been nominated by any party and his name may not appear on such machine; then when a vote is cast for any person for any such office, when his name does not appear on the machine, the elector cannot vote for any name on the machine for the same office, that each elector can, understandingly and within the period of one minute cast his vote for all candidates of his choice; that in case the machine is so constructed that the candidates for presidential electors of any party can be voted for only by voting for the ballot label containing the words "Presidential Electors," by voting an irregular ticket as hereinafter defined the elector may vote for any person or persons he may choose for presidential electors; that the machine is provided with a lock or locks by the use of which any movement of the voting or registering mechanism is absolutely prevented so that it cannot be tampered with or manipulated for any fraudulent purposes; that the machine is susceptible of being closed during the progress of the voting so that no person can see or know the number of votes registered for any candidate: *Provided, also,* that no such machine or machines shall be purchased unless the party or parties making the sale shall guarantee in writing to keep the machine or machines in good working order for five years without additional cost and shall give a sufficient bond conditional to that effect.

431. MACHINE MUST MEET ALL REQUIREMENTS SPECIFIED.] Sec. 2. The voting machine or machines to be used, adopted, leased or purchased as herein provided must be so constructed as to meet all requirements specified in this Act.

432. BOARD OF VOTING MACHINE COMMISSIONERS—TERMS OF OFFICE—EXAMINATION OF MACHINE—REPORT—APPROVAL—COMPENSATION.] Sec. 3. The Secretary of State and two persons appointed by the Governor, who shall be mechanical experts and not members of the same political party, shall constitute a board of voting machine commissioners. Their term of office shall be four years, except that the commissioners appointed by the Governor shall be subject to removal at his pleasure and that any Secretary of State on surrendering the duties of his office shall be succeeded on the board by the succeeding Secretary of State. If the office of Secretary of State for any reason shall become vacant the Attorney General of the State shall be

a member of the board until the office of Secretary of State is filled. No member of the board shall have any interest in any voting machine. Any person or corporation owning or being interested in any voting machine may apply to said board to examine such machine and report on its accuracy, efficiency, capacity and safety. The commissioners shall examine the machine and make full report thereon in the office of the Secretary of State. They shall state in the report whether or not the kind of machine so examined complies with the requirements of this Act and can be safely used by voters at elections under the conditions prescribed in this Act. If the report be in the affirmative upon said questions, the machine shall be deemed approved by the board and machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved any improvement or change that does not impair its accuracy, efficiency, capacity or safety shall not render necessary a re-examination or re-approval thereof. Any form of voting machine not so approved cannot be used at any election. Each of the two mechanical experts on the board shall be entitled to one hundred dollars (\$100.00) for his compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such examination, which sum may be demanded in advance of making the examination, and which shall be the sole compensation to be received by any such expert. The board may, if it consents to do so, go to any point in the State for the purpose of examining a machine, but it shall not be compelled to make such examination at any place other than the capital of the State: *Provided*, that each of the two commissioners appointed as mechanical experts shall not receive and retain to exceed fifteen hundred dollars (\$1,500.00) and reasonable expenses in any one year, and all sums collected for such examinations over and above said maximum salaries and reasonable expenses shall be turned into the State treasury.

433. EXPERIMENTAL USE PERMITTED.] Sec. 4. The authorities of any city, village, incorporated town, county, precinct, election district or other civil division authorized by section 1 of this Act to adopt a voting machine or voting machines may provide for the experimental use, at any election or elections, in one or more election precincts, of a machine which it might lawfully adopt, without a formal adoption thereof, and its use at such elections shall be as valid for all purposes as if it had been lawfully adopted.

434. HOW PAYMENT FOR MACHINE MAY BE PROVIDED FOR.] Sec. 5. The local authorities, on the adoption and lease or purchase of a voting machine or voting machines, may provide for the payment therefor in such manner as may be deemed for the best interest of the city, village, incorporated town or county. They may for that purpose make leases, issue bonds, certificates of indebtedness, or other obligations, which shall be a charge on the city, village, incorporated town or county. Such bonds, certificates or other obligations may be issued with or without interest, payable at such time or times as the authorities may determine, but shall not be issued or sold at less than par.

435. ELECTION PRECINCT IN WHICH MACHINES USED—NUMBER OF VOTERS—RE-DIVISION OF PRECINCTS.] Sec. 6. For any election in any city, village, incorporated town, county, election district or other civil division in which voting machines are to be used, the election precincts in which such machines are to be used may be created by the officers charged with the duty of creating election precincts so as to contain as near as may be six hundred votes each. Such re-districting or re-division shall be made, under such regulations as to time and manner as are now provided by law. Thereafter, so long as voting machines are (are) used, no re-division of such election precincts shall be made until at some general election the number of votes cast in one or more of such precincts shall exceed seven hundred.

436. SUPPLYING PRECINCTS WITH MACHINE.] Sec. 7. The local authorities adopting a voting machine or voting machines shall, as soon as practicable thereafter, provide for each polling place a voting machine in com-

plete working order, and shall thereafter preserve and keep it in repair, and shall have the custody thereof, and of the furniture and equipment of the polling place when not in use at an election. If it shall be impracticable to supply each election precinct with a voting machine at the election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election precinct or precincts within the city, village, incorporated town, county, election district or other civil division, as the officers adopting the same may direct.

437. HOW MACHINE SHALL BE PLACED IN ROOM—ONE MINUTE FOR VOTING.] Sec. 8. The room in which the election is held shall have a railing separating the part of the room occupied by the judges and clerks of election from that part of the room occupied by the voting machine. The exterior of the voting machine and every part of the polling place shall be in plain view of the election officers. The voting machine shall be placed at least three feet from every wall and partition of the polling place and at least four feet from any election officer or table used by them, and it shall be so placed that no person on the opposite side of the railing can see or determine from the outside of the room how the voter casts his vote. After the opening of the polls the election judges shall allow no person to pass within the railing to the part of the room where the machine is situated, except for the purpose of voting, except as is provided in the next succeeding section of this Act; and they shall not permit more than one voter at a time to be in such part of the room. They shall not themselves remain or permit any other person to remain in any position or near any position that would permit one to see or ascertain how a voter votes or how he has voted. No voter shall remain within the voting booth or compartment longer than one minute, and if any voter shall refuse to leave after the lapse of that time, he shall at once be removed by the election officers or upon their order.

438. WHERE VOTER CAN NOT READ OR IS UNABLE TO USE MACHINE—INTOXICATED PERSON.] Sec. 9. Any voter who may declare upon oath that he can not read the English language, or that by reason of physical disability he is unable to use the voting machine, shall, upon request, be assisted by two of the election officers of different parties, to be selected by the judges and clerks of the precincts in which they are to act, to be designated by the judges of election at the opening of the polls. Such officers, in the voter's presence and in the presence of each other, shall register his vote upon the machine for the candidates of his choice, and shall thereafter give no information regarding the same. The clerks of election shall enter upon the poll list after the name of any elector who received such assistance in registering his vote a memorandum of the fact. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall be entitled to assistance in registering his vote.

439. WHERE VOTER ASKS FOR INSTRUCTION CONCERNING MANNER OF VOTING.] Sec. 10. In case any elector after entering the voting machine booth shall ask for further instructions concerning the manner of voting, two judges of opposite political parties shall give such instructions to him; but no judge or other election officer, or person assisting an elector, shall, in any manner, request, suggest or seek to persuade, or induce any such elector to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question or proposition. After receiving such instructions, such elector shall vote as in the case of an unassisted voter.

440. BALLOT LABEL.] Sec. 11. That portion of card board, paper or other material, placed on the front of the machine and containing the names of the candidates, or a statement of the proposed constitutional amendment or other question or proposition to be voted on, shall be known in this Act as a ballot label. The ballot label shall be supplied by the official or officials charged by law with providing material for the holding of an election or elections and shall be printed in black ink on clear white material of such size as will fit the machine and in plain, clear type, as large as the space

will reasonably permit. The party name or other designation shall be prefixed to the list of candidates of such party. The order of the lists of candidates of the several parties shall be arranged as is now provided by law, except that the lists may be placed in horizontal rows or vertical columns, which parties may, if desired, be divided into parallel and contiguous rows or columns, and except that where presidential electors are to be voted for at any election, and the machine to be used will not carry the names of all candidates for such electors, then there may be placed on the ballot label the words "Presidential Electors," under the name of each political party.

441. SAMPLE BALLOT LABEL.] Sec. 12. The officers or board charged with the duty of providing ballots and ballot labels for any polling place shall provide therefor two sample ballot labels, which shall be arranged in the form of a diagram, showing the entire front of the voting machine as it will appear after the official ballot labels are arranged for voting on election day. Such sample ballot labels shall be displayed for public inspection at such polling place during the day preceding election day.

442. FOUR SETS OF BALLOT LABELS PROVIDED—DUTY OF OFFICERS IN PUTTING MACHINE IN ORDER, ETC.—DELIVERY OF MACHINE IN ROOM WHERE ELECTION HELD—DUTY OF JUDGES AND CLERKS.] Sec. 13. Four sets of ballot labels for use in the voting machine shall be provided for each polling place for each election by the officer or officers now charged by law with the duty of furnishing such election precincts with ballots. In such manner shall be furnished also all other necessary material for the use of the voting machines. The same officer or officers shall, before the day of election, cause the proper ballot labels to be put on each machine corresponding with the sample ballot labels herein provided for, and the machine in every way to be put in order, set and adjusted, ready for use in voting when delivered at the precinct; and for the purpose of so labeling the machine, putting in order, setting and adjusting the same, they may employ one or more competent persons and cause him or them to be paid in the same manner as other election officers are paid. And the same officer or officers shall cause the machine so labeled in order, set and adjusted, to be delivered at the voting precinct, together with all necessary furniture and appliances that go with the same, in the room where the election is to be held in the precinct, not later than 6:00 o'clock p. m. of the day preceding the election. After the delivery of the machine and on the same day the judges and clerks of election of the precinct may meet at said room, open the package containing the sample ballots, and, if necessary, the ballot labels, and see that the machine is correctly labeled, set and adjusted, ready for use in voting; and if the same is not so labeled, set and adjusted and in order, they shall cause it to be done. On the morning of the election the election officers shall meet in the said room at least one hour before the time for opening the polls. They shall see that the sample ballot labels and instruction cards are posted properly, and everything put in readiness for the voting at the hour of opening the polls. The officers shall compare ballot labels on the machine with the sample ballots, see that they are correct, examine and see that all the counters in the machine are set at naught or zero (0) and that the machine is otherwise in perfect order, and they shall not thereafter permit the counters to be operated or moved except by electors in voting, and they shall also see that all necessary arrangements and adjustments are made for voting irregular ballots on the machine.

443. IRREGULAR BALLOTS.] Sec. 14. Ballots voted for any person whose name does not appear on the ballot label on the machine as a candidate for office, are herein referred to as irregular ballots. In voting for presidential electors a voter may vote an irregular ticket made up of the names of persons in nomination by different parties or partially of the names [of] or persons so in nomination and partially of persons not in nomination by any party. Such irregular ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose.

444. WITH CLOSE OF POLLS, MACHINE LOCKED AND COUNTING COMPARTMENT OPENED.] Sec. 15. As soon as the polls are closed, the voting machine shall be locked against voting and the counting compartment opened in the presence of all the judges and clerks of election and all other persons who may be lawfully within the room, giving full view of the numbers announcing the votes cast for each candidate and for and against the various constitutional amendments, questions or other propositions.

445. ASCERTAINING NUMBER OF VOTES—WRITTEN STATEMENTS TO BE SIGNED BY ELECTION OFFICERS—IRREGULAR BALLOTS—MACHINE TO BE LOCKED FOR THIRTY DAYS.] Sec. 16. The election officers shall then ascertain the number of votes which the candidates have received both on the machine and by the voting of irregular ballots, if any, and one of the judges shall publicly announce in a distinct voice the total vote of each candidate thus ascertained in the order of the offices as their titles are arranged on the ballot label. He shall then announce in the same manner the vote on each constitutional amendment, proposition or other question. Before leaving the room and before closing and locking the counting compartment, the election officers shall make and sign written statements or returns of such election, as now required by law. When irregular ballots have been voted they shall be returned, preserved and finally destroyed, as is now provided by law in the case of other election ballots. The written statements or returns so made, after having been properly signed, shall be distinctly and clearly read in the hearing of all persons present, and ample opportunity shall be given to compare the results so certified with the counter dials of the machine. After such comparison and correction, if any such is made, the election officers shall then close the counting compartment and lock the same. Thereafter the machine shall remain locked for a period of at least thirty days unless otherwise ordered by a court of competent jurisdiction.

446. KEYS TO BE RETURNED WITH WRITTEN STATEMENT.] Sec. 17. When the machine is locked at the close of an election in the manner required by this Act, the judges shall place all keys of the machine on a single piece of flexible wire, unite the ends of such wire in a firm knot, label the same with the make and number of the machine and the precinct at which it was used at such election, and return such keys along with the written statements or returns of such election.

447. WHERE MACHINE SUPPLIED WITH RECORDING DEVICE.] Sec. 18. A voting machine which possesses all the qualities required by this Act may be supplied in addition with any recording device on which all the votes registered on the mechanical counters will be separately recorded. When a machine is supplied with such device the same shall not be taken out or examined by the election officers who make the return [returns] from the precinct, but such machine shall be locked with such device therein and so remain for a period of at least thirty days unless within that time the machine shall be ordered open by some court of competent jurisdiction. At the end of thirty days such device may be taken out unless otherwise ordered by a court of competent jurisdiction.

448. PENALTY FOR PERSON TAMPERING WITH MACHINE. Sec. 19. Any person not an election officer or other public officer who shall tamper or attempt to tamper with such voting machine or voting machines, or in any way intentionally impair or attempt to impair its use, and any such person who shall be guilty of or shall attempt any dishonest practice upon any such machine, or with or by its use, shall be deemed guilty of a felony and shall be punishable by a fine of from \$100.00 to \$1,000.00, or by imprisonment for a term of from one to five years, or by both fine and imprisonment.

449. PENALTY FOR OFFICIAL TAMPERING, ETC., WITH MACHINE.] Sec. 20. Any clerk or judge of an election or any other public officer authorized to take part in the holding of an election or in preparing for an election who,

with intent to cause or permit any voting machine to fail to register correctly all votes cast thereon; who tampers with or disarranges such machine in any way, or any part or appliance thereof, or who causes or consents to said machine being used for voting at any election with knowledge of the fact that the same is not in order, or not perfectly set and adjusted so that it will correctly register all votes cast thereon; or who, with the purpose of defrauding or deceiving any voter or of causing it to be doubtful for what ticket or candidate or candidates or proposition any vote is cast, or of causing it to appear on said machine that votes cast for one ticket, candidate or proposition were cast for another ticket, candidate or proposition, removes, changes or mutilates any ballot label on said machine or any part thereof, or does any other thing intended to interfere with the validity of the election, shall be deemed guilty of a felony and, upon conviction, shall be imprisoned in the State prison not less than one year nor more than ten years, to which may be added a fine not exceeding \$1,000.00.

450. PENALTY FOR NEGLECT OF DUTY BY PUBLIC OFFICER OR ELECTION OFFICER.] Sec. 21. Any public officer or any election officer upon whom any duty is imposed by this Act, and who shall wilfully omit or neglect to perform such duty, or who shall do any act prohibited herein for which imprisonment is not otherwise provided herein, shall, upon conviction, be imprisoned in the State prison for not less than one year nor more than ten years or be fined in any sum not exceeding \$1,000.00 or may be punished by both such imprisonment and fine.

451. PROVISIONS OF ELECTION LAW NOT INCONSISTENT WITH ACT APPLY.] Sec. 22. All the provisions of the election law not inconsistent with this Act shall apply to all the elections in the precincts where such voting machines are used. Any provisions of law which conflict with the use of such machine or machines as herein set forth shall not apply to the precinct or precincts in which an election is conducted by the use of such machine or machines.

WHEREAS, Under the authority reposed in them, by this statute, the Board of Election Commissioners of the city of Chicago, did, in July, 1911, contract to purchase one thousand (1,000) voting machines for use in the city of Chicago; and,

WHEREAS, The extreme dissatisfaction caused by their, the said election commissioners, alleged gross disregard for the provisions of the foregoing statute, and their alleged lack of respect for the rights of the voters of the entire State of Illinois, and the taxpayers of the city of Chicago, in making said purchase; did cause an investigation to be made and a protest to be filed by the "Chicago Bureau of Public Efficiency" with the mayor and aldermen of the city of Chicago, as follows:

"To the Mayor and Aldermen of the City of Chicago:

GENTLEMEN—Your Honorable Body is again called upon to take official cognizance of the ill-advised and extravagant contract made by the Board of Election Commissioners in July, 1911, for the purchase of 1,000 voting machines, the contract price of which amounts in the aggregate to \$942,500.00. The election commissioners are requesting the council to include in its appropriations for 1913 an item of \$282,750.00 to be used for the payment of 300 of these machines. The first 300 machines delivered, the contract price of which was \$188,500.00, have already been paid for under an appropriation made in 1912. The remaining 500 machines have not been delivered. If these 500 machines are delivered and have to be paid for by the city, it will be necessary for the council to appropriate within the next two years a total of \$754,000.00 (including the appropriation now sought), for the purpose of paying for voting machines, which the Supreme Court of Illinois has recently decided do not comply with the requirements of the voting machine statute.

In compliance with the request of the election commissioners, the finance committee has included in the appropriation ordinance submitted to the council Dec. 30, 1912, the following item:

"Voting machine and trucks—

Three hundred voting machines, at \$942.50 each.....	\$282,750 00
All other items.....	585 00

Subject to payment by judgments or issuance of certificates	\$283,335 00"
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It further appears from the ordinance that this sum of \$283,335.00 is not appropriated from the corporate fund, but that it is "appropriated subject to judgments or issuance of certificates." No fund, however, is designated from which either judgments or certificates can be paid. Under these circumstances it is not clear in what manner the council intends this \$283,335.00 shall be paid in case judgment is rendered or certificates are issued.

In this connection it should not be overlooked, however, that the contract price of these machines is to be regarded as an "expense" incurred by the election commissioners. This is the view taken by the corporation council in his opinion rendered Jan. 29, 1912. Section 1 of article VII of the city election law provides that "such expenditures shall be paid by the city treasurer * * * out of any money in the city treasury not otherwise appropriated." Attention is directed to the fact that the city's traction fund is "money in the city treasury not otherwise appropriated" and out of which it is possible the holders of voting machine certificates or warrants might enforce their claims.

The Chicago Bureau of Public Efficiency believes that the council should take notice of this situation and should refuse to appropriate further for these machines, which were purchased by the Board of Election Commissioners without consultation with the council and in utter disregard of the policy of caution demanded by the interests of the taxpaying public.

THE 1911 INVESTIGATION AND REPORT OF THE BUREAU.

When it was learned in May, 1911 that the Board of Election Commissioners was planning to make a contract for the purchase of voting machines, the Chicago Bureau of Public Efficiency made an investigation of the subject. This investigation disclosed the fact that the voting machine was still in the experimental stage and that there were numerous objections to the purchase of a large number of such machines. In a report issued at that time the bureau stated:

"The Chicago situation presents unusual obstacles to the successful use of voting machines. Among these are the long ballot made necessary by the large number of offices to be filled at some elections; the group voting for certain offices, such as judges and county commissioners; and the system of cumulative voting for members of the Lower House of the General Assembly, which is peculiar to Illinois. The fact that women may vote for university trustees, but not for other officers requires a restrictive device that introduces additional complications. The long ballot necessitates the use in Chicago of a larger and heavier machine than is required in other cities that have adopted voting machines. The size and weight of the machine cause it to present problems of transportation, of storage and of setting up in the voting booth. There are special complexities due to the use of the voting machine at a primary election at which nominations are to be made for a large number of offices.

"Aside from the mechanical operation of the machine itself, there are other elements of uncertainty connected with the use of voting machines that call for the experimentation and caution. It cannot be told until the actual trial is made how rapidly the voting can be done by machine, even assuming the mechanism to operate perfectly so far as all except the human element is concerned. This bureau learns that in Minneapolis, where voting machines are in use, the voting has been so much slower than anticipated

that it has been found necessary to install two machines to a precinct of 600 voters, instead of one. The Illinois law contemplates a single machine to a precinct of 600 voters. Then there are the problems of transportation and storage and the proper setting of the machines in the booths. Three of these machines will make a truck load and it will require at least three men to handle one. Skilled persons will be required to set them up when taken from the storage room to the voting booth. It would seem that the Board of Election Commissioners ought to acquire experience in handling 50 or 100 machines before undertaking the burden of managing 1,200. This experience, moreover, should be in connection with the most trying elections, such as the primary of April, 1912, and the election of the following November, when the long ballot must be voted."

Inquiries made at that time disclosed the fact also that although the city of Chicago would be expected to make provision for paying for the machines to be purchased, the financial officers of the city had not been consulted in regard to the matter and further, that prior Boards of Election Commissioners had secured appropriations from the city council before taking steps looking to the purchase of voting machines. In this connection it was pointed out that although the plans of the present board contemplated the expenditure of approximately \$1,000,000.00, no prior board had deemed it wise to consider an initial expenditure in excess of \$100,000.00.

As a result of this investigation, it seemed obvious, in view of the difficulties and uncertainties which existed, that ordinary business prudence demanded a policy of experimentation and caution on the part of the election commissioners. The main conclusions reached by the bureau were summarized in its report, as follows:

1. The number of voting machines to be purchased in the near future should be limited to one hundred at the most; and the purchase of a greater number of machines should be postponed until after trial at the primaries of April, 1912, and at the election of November, 1912, of such limited number of machines.

2. The Board of Election Commissioners should seek to secure the cooperation of the financial authorities of the city in advance of action looking to the purchase of voting machines, whatever the amount involved.

THE CONTRACT OF 1911 AND THE APPROPRIATION OF 1912.

In the face of the situation above set forth, of which they were fully advised, and notwithstanding the adverse comments of the public press, the Board of Election Commissioners and the Empire Voting Machine Company disregarded every principle of business prudence, and in July, 1911, entered into the contract mentioned for the purchase of 1,000 machines.

When the 1912 appropriation ordinance was before the council, that body was asked to appropriate \$188,500.00 for the payment of 200 of the machines. While the matter was still pending, the bureau, on Feb. 5, 1912, petitioned the council not to make any appropriation "unless it (the contract) should be modified (1) to provide for the delivery of not to exceed 100 machines on the first installment, and (2) to relieve the board from the obligation to take 1,000 machines if those delivered on the first installment shall not prove satisfactory when placed in use." This suggestion on the part of the bureau was disregarded. The appropriation asked for was made and the 200 machines were delivered and paid for.

At the time the council was considering this appropriation of \$188,500.00, it had before it, however, the opinion of the corporation counsel in which he advised that it was "incumbent on the city of Chicago to pay the obligations incurred by the Board of Election Commissioners in buying such voting machines." It is perhaps fair to assume that many of the aldermen voting for that appropriation believed it their duty to do so on the advice thus given by the corporation counsel.

THE PRESENT SITUATION.

The situation at the present time differs radically from that which existed in January and February, 1912. The corporation counsel in his opinion then rendered confined himself to the question of the liability of the city to pay the "obligations" incurred by the Board of Election Commissioners. At that time no opportunity had been afforded to test the machines at either a primary or a general election. He assumed apparently that the voting machines contracted for and to be delivered would meet the requirements of the voting machine law and that, when such machines were accepted by the Board of Election Commissioners, a binding obligation would be incurred.

The voting machine statute is explicit on the point that no voting machine shall be purchased unless it is so constructed as to meet all the requirements specified in that Act, among which is the requirement that "each elector can understandingly and within the period of one minute cast his vote for all candidates of his choice." The Board of Election Commissioners is given no power to purchase any machine which does not meet this requirement and it seems obvious that, if the board were to make a contract for a machine which did not meet the above requirement, the contract so made would not create a binding obligation on the city because of the lack of power in the board to make such a contract. It would seem equally clear that, no matter what may be the terms of the contract made by the board, if the machine itself when delivered does not, in fact, meet the requirements of the voting machine statute, the city would not be bound. Attention is called, however, to the contract under which the machines in question were purchased. By its terms the company "agrees that each machine so furnished shall in all respects comply with all the requirements of the statutes of Illinois now in force relating to the use of voting machines."

If it be said that the Board of Election Commissioners has accepted the machines and in so doing has found that they meet the requirements of the statute, it is sufficient answer to say that the finding of the board in this respect is not conclusive and that in the case of these particular machines the board has only recently been overruled by the Supreme Court of the State.

THE DECISION OF THE SUPREME COURT.

On December 17, 1912, the Supreme Court handed down an opinion in the case of *The People ex rel Hull v. Taylor et al.*, in which it holds that the voting machines, for the payment of which an appropriation is now asked, do not comply with the voting machine statute in that they are not so constructed that "each elector can, understandingly and within the period of one minute, cast his vote for all candidates of his choice." Moreover, the decision in this case requires the election commissioners to furnish ballot boxes and paper ballots in all precincts.

In its opinion in the foregoing case the court said:

"It is insisted on behalf of the respondents (the election commissioners) that the action of the Board of Voting Machine Commissioners and the Board of Election Commissioners in determining that the voting machines complied with the requirements of the law in this particular should be held conclusive upon this question; that the powers conferred on these officers require the exercise of judgment and are discretionary in their character, and that their determination of the question of fact is final. If a discretionary power is exercised so as to produce a manifest injustice, the courts may interfere to require its due exercise and prevent a public wrong. * * * If votes cannot, in fact, be cast upon the machines within the time allowed by law, their use will result in some voters being deprived of their votes. Such an injustice, if clearly shown, will justify the interference of the court to afford a remedy by *mandamus*. It is alleged in the answer that the voting machines in question have been in satisfactory use in various cities of different states for a number of years, and that

arrangements have been made for the instruction on the day of election, and before that day, of voters in the use of the machine. On the argument of the cause one of the machines was present and demonstrations of the manner of its use were made by various persons. Fifty-three officers were to be voted for besides the presidential electors, and there were three public policy questions and four propositions to issue bonds. There were party nominations by six parties, although one was for a part only, of the offices. It is easy to vote a straight party ticket on the machine. It can be done in a few seconds. An expert in the use of the machine can vote a split ticket, even as large as the ticket at the November election, in one minute. *The requirement of the statute, however, is that 'each elector can, understandingly, and within the period of one minute, cast his vote for all candidates of his choice.'* 'Each elector' does not mean here absolutely every elector, for a voter may be blind or crippled so as to be physically unable to use the machine, and the statute provides for such a condition, but the term does include at least every elector of ordinary intelligence having the reasonable use of his faculties and members. If the voter must be a trained expert—if he must be a man of more than ordinary intelligence, keenness of vision or alertness of motion—in order to be able to vote as he wishes within a minute, then the machine which requires these things of him does not comply with the law. *As a matter of fact, we find that the machine does not comply with the law in enabling the voter understandingly to cast his vote in one minute.* It is not enough that one voter or many voters can possibly, by strenuous effort, vote for the candidates they desire in one minute. It is necessary, at least, that the average voter who wishes to vote for candidates upon two or more or all of the various tickets can by a reasonable effort be surely able to cast the vote he desires to cast, within the time allowed him by law for doing so. We take into consideration the action and finding of the Board of Voting Machine Commissioners and the Board of Election Commissioners as well as our own observation, and *we are constrained to find that the machines do not comply with the law in respect to the time within which votes can be cast, and that their use, if voters were allowed only one minute to vote, would result in the disfranchisement of many electors."*

CONCLUSION.

In entering into a contract for the purchase and sale of 1,000 voting machines, the Board of Election Commissioners and the Empire Voting Machine Company chose to disregard not only the interest of the taxpaying public, but the counsel of caution and the principles of ordinary business prudence. They acted with their eyes open. There are no equities to be considered or preserved.

It is the opinion of the Chicago Bureau of Public Efficiency that there is no legal liability on the part of the city to pay for the voting machines in question. The bureau believes that any appropriation by the council would not only be illegal, but because of the flagrant wrong resulting to the community from the transaction, would expose the members of the council to severe criticism.

The bureau, therefore, respectfully petitions the city council not to make any appropriation for the payment of said voting machines. It submits that the claim of the Empire Voting Machine Company should not be recognized by a contingent appropriation or in any other form. The bureau further petitions the council to adopt an order directing the corporation counsel to contest vigorously any suit or proceeding which may be brought to enforce payment for any of said machines.

Respectfully submitted,

CHICAGO BUREAU OF PUBLIC EFFICIENCY,

JULIUS ROSENWALD, *Chairman;*

HARRIS S. KELLER, *Director;*

CHICAGO January 1, 1913, and,

WHEREAS, It is alleged that the State Board of Voting Machine Commissioners, the Board of Election Commissioners of the city of Chicago and the Empire Voting Machine Company, entered into a conspiracy to qualify the Empire Voting Machines, contrary to the provisions of the Election law; and it is further alleged, that the Board of Election Commissioners of the city of Chicago and the Empire Voting Machine Company entered into a conspiracy to defraud the taxpayers of the city of Chicago, of a sum of money alleged to fall little short of four hundred thousand dollars (\$400,000.00), by agreeing to a purchase price of nine hundred and forty-two thousand five hundred dollars (\$942,500.00) in the aggregate, to be paid to the Empire Voting Machine Company, by the city of Chicago for the delivery of one thousand (1,000) Empire Voting Machines, to the said Board of Election Commissioners of the city of Chicago; and,

WHEREAS, It is alleged that the Empire Voting Machines can be manipulated at will for the purpose of fraudulent voting, and are wholly inadequate for the uses as specified in the statutes, and it is further alleged that after having been used and fairly tried in Omaha, Burlington, Cleveland, Denver, Detroit, Los Angeles and in more than fifty cities in New Jersey, these machines have been discarded as inefficient, because wholly unsafe, cumbersome and subject to fraudulent manipulation; and,

WHEREAS, It is alleged that there exists a gigantic conspiracy, engineered by the shrewd intelligence of powerful and corrupt influences, to use the election machinery of the city of Chicago, through and by the further use of the said Empire Voting Machines, that in the end, city, county, state and national elections may be absolutely controlled or materially influenced; and,

WHEREAS, Great scandal has resulted by these persistent and repeated allegations of fraud, directed at the election machinery of the city of Chicago; and,

WHEREAS, The city of Chicago casts approximately forty (40) per cent of the vote of Illinois; the entire electorate of this State stands in eminent danger of disfranchisement in general elections, should these allegations be true; and,

WHEREAS, It is alleged that the peculiar political and governmental conditions now existing in the city of Chicago and county of Cook, precludes the possibility of a thorough and impartial investigation as to the facts by the local authorities; and,

WHEREAS, There appears to be ample grounds for a thorough, searching, exhaustive and impartial investigation of the alleged scandalous conditions; therefore, be it

Resolved, by the House of Representatives, the Senate concurring therein, That a joint committee of twelve (12) shall be appointed; six (6) to be named by the Chairman of the Committee on Elections of the House of Representatives, and six (6) to be named by the Senate; that this committee be, and is, hereby authorized and empowered to make searching investigation and exhaustive examination of the official conduct and acts of the State Board of Voting Machine Commissioners, the Board of Election Commissioners of the city of Chicago, and any and all of the official conduct and acts of all of the election officers of the city of Chicago, and the county of Cook in whatsoever capacity heretofore or now employed; that this committee be, and is, hereby authorized and empowered to make searching investigation and exhaustive examination into the contract entered into between the Board of Election Commissioners of the city of Chicago or its agents and the Empire Voting Machine Company, its agents, trustees, assigns, heirs or receivers; that this committee be, and is hereby authorized and empowered to make searching investigation and exhaustive examination into the organization, creation, incorporation or establishment of the Empire Voting Machine Company, for the purpose of ascertaining the identity of its stockholders, officers, owners, trustees, agents, heirs, assigns, or receivers; that this committee be, and is, hereby authorized and empowered to make searching investigation and exhaustive examination into the workings, mecha-

nism, efficiency, quality, material, manufacture, cost and sale price of the Empire Voting Machines; that this committee be, and is, hereby authorized and empowered to make searching investigation and exhaustive examination of any and all matters of whatsoever nature referred to, in the foregoing preamble and this resolution proper; that this committee be and is hereby authorized and empowered to issue subpoenas for the purpose of compelling witnesses to attend upon their deliberations and compel said witnesses to answer their inquiry, and to issue subpoenas for the purpose of compelling the production into their hands of any and all books, papers, writings, documents, records, machines, instruments, tools or whatsoever objects, utensils or things that they may deem necessary to carry out the provisions of this resolution; that this committee be, and is hereby authorized and empowered to employ such assistance as they deem necessary to carry out the provisions of this resolution, however, no State moneys, now or hereafter appropriated for expense incurred under the provisions of this resolution, shall be spent outside the boundaries of this State, except that foreign witnesses coming before this committee may be reimbursed as to their actual transportation expense only, or for the purpose of actual expense incurred in having any depositions taken by others than the members of this committee, outside the boundaries of this State; and, be it further

Resolved, That this committee be, and is hereby authorized and empowered to make their investigations and examinations to cover a period, dating from January 1, 1903, to and including the conclusion of their deliberations; that this committee, be and is, hereby authorized, empowered and instructed to report its findings with its recommendations to this session of the General Assembly, if within the range of possibilities or to any special session of this General Assembly, or, and not later than to the Forty-ninth General Assembly.

Adopted by the House April 10, 1913.

Concurred in by the Senate April 23, 1913.

MASSACRE OF CHRISTIANS IN ALBANIA.

(Senate Joint Resolution No. 32.)

WHEREAS, Human rights have been disregarded in Roumania and Turkey, in that Christians have been massacred by the hundreds in Albania, and more than 200,000 Jews in Roumania are reduced by governmental restrictions as to the enjoyment of their natural rights to a condition equivalent to slavery; and,

WHEREAS, In the Bulgarian territory all of the people thereof have been heretofore permitted to enjoy and are now enjoying equal rights and privileges; and,

WHEREAS, Roumania is now demanding that in the division of territory resulting from the Balkan War, a portion of such Bulgarian territory be ceded to Roumania; and,

WHEREAS, The cession to Roumania of such territory would bring a hitherto free people under the subject to the unjust restrictions of the Roumanian government unless the rights of such people are properly safeguarded; and,

WHEREAS, It is contrary to the enlightened judgment of just men anywhere that any people should be made the victims of massacre and of discriminating and unjust laws; therefore, be it

Resolved, by the Senate of the State of Illinois, the House of Representatives concurring therein, That it is the sense of the people of the State of Illinois, and their hope that the powers of Europe should and that they will demand as a condition precedent to the division or cession of any such territory, that the human rights of all the inhabitants thereof, whether Christian, Jew or Moslem, be fully guarded and protected.

Resolved, further, That the Department of State of the United States Government be informed of this action and requested to take such measures in the premises as it may deem proper and just.

Adopted by the Senate April 2, 1913.

Concurred in by the House April 3, 1913.

MEMORIAL TO CONGRESS—MARRIAGE AND DIVORCE AMENDMENT TO FEDERAL CONSTITUTION.

(Senate Joint Resolution No. 7.)

WHEREAS, The number of divorces throughout the United States has been increasing during the past fifty years at an alarming rate and under the present system there is no uniform law covering this subject in the several states; and,

WHEREAS, At the present time the several states are operating under laws so entirely divergent that the legitimacy of children is often made a serious question, and property rights are frequently uncertain; and,

WHEREAS, The question is one that strikes at the very foundation of our social organization and we deem it necessary and proper that the law in relation thereto should be uniform throughout the United States, and that such law should be so safeguarded that fraudulent divorces cannot be secured; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring herein, That we instruct our senators in Congress and request our representatives at Washington to use their best endeavors to have congress propose an amendment to the Constitution of the United States, whereby the Congress may pass laws regulating the subject of marriage and divorce throughout the United States.

Adopted by the Senate February 18, 1913.

Concurred in by the House June 5, 1913.

MEMORIAL TO CONGRESS—POLYGAMY AMENDMENT TO FEDERAL CONSTITUTION.

(Senate Joint Resolution No. 12.)

WHEREAS, It appears from the investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places of the United States, notwithstanding prohibitory statutes enacted by the several states thereof; and,

WHEREAS, The practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof by placing the subject under federal jurisdiction and control, at the same time reserving to each state the right to make and enforce its own laws relating to marriage and divorce; now, therefore,

Resolved, By the Senate of the State of Illinois, the House of Representatives concurring therein, That the application be made and hereby is made to Congress under the provisions of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the legislatures of all other states of the United States, now in session, or when next convened, be and they are hereby respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved, further, That the Secretary of State be and he hereby is directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several members of said bodies representing this State therein; also to transmit copies hereof to the legislatures of all other states of the United States.

Adopted by the Senate February 27, 1913.

Concurred in by the House March 12, 1913.

MONUMENT TO THOMAS JEFFERSON, AT ST. LOUIS, MO.—JOINT COMMITTEE.

(House Joint Resolution No. 26.)

WHEREAS, A monument is to be dedicated to Thos. Jefferson, at St. Louis, Mo., on April 30, 1913; and,

WHEREAS, The Honorable David R. Francis, President of the Universal Exposition has invited the Governor of Illinois and his staff, together with a committee representing both branches of the General Assembly, to be present upon that occasion and to assist in the ceremonies; therefore, be it

Resolved, by the House of Representatives, the Senate concurring therein. That a committee of three members from the House of Representatives and three members from the Senate, together with the Speaker of the House of Representatives, and the President of the Senate, be and the same are hereby appointed a committee to represent the General Assembly of Illinois at the dedication of the monument to Thomas Jefferson, at St. Louis, Mo., on April 30, 1913.

Adopted by the House April 10, 1913.

Concurred in by the Senate April 23, 1913.

PANAMA—PACIFIC EXPOSITION CLAIMS—JOINT ASSEMBLY.

(Senate Joint Resolution No. 35.)

Resolved, by the Senate, the House of Representatives concurring herein, That the two Houses meet in joint session, Tuesday, April 29, 1913, at 2:30 o'clock p. m. for the purpose of hearing a representative of the Panama-Pacific Exposition at San Francisco address the General Assembly and present to them the claims of the exposition.

Adopted by the Senate April 16, 1913.

Concurred in by the House April 17, 1913.

PERRY'S VICTORY CENTENNIAL—COMMISSION ENLARGED.

(Senate Joint Resolution No. 30.)

Resolved, by the Senate, the House of Representatives concurring herein, That the commission heretofore appointed by former Governor Charles S. Deneen, in accordance with the authority granted by Senate Joint Resolution No. 37 of the Forty-sixth General Assembly, to represent the People of the State of Illinois at the celebration of the Centennial Anniversary of the battle of Lake Erie, to be held at Put-in-Bay Island, in the year one thousand nine hundred and thirteen, and to consult and cooperate with like commissions from other states, which might participate in said celebration, be enlarged and increased from five to eleven persons; and, be it further

Resolved, That the increased membership hereby authorized to be added to said commission, as well as any vacancies arising by resignation or otherwise, shall be filled by appointment by the Governor of the State of Illinois.

Adopted by the Senate March 20, 1913.

Concurred in by the House May 1, 1913.

PICTURE OF REV. D. L. CROWE—PRESERVATION AT STARVED ROCK PARK.

(House Joint Resolution No. 40.)

WHEREAS, The 47th General Assembly of the State of Illinois adopted an Act providing for a State Park Commission, and

WHEREAS, Upon the taking effect of said Act the then Governor of this State, Hon. Chas. S. Deneen, appointed the members of the first commission, one of whom was the late Rev. D. L. Crowe, of Kewanee, Illinois, and

WHEREAS, The said Rev. D. L. Crowe upon his appointment to said commission gave much of his time, energy and ability toward carrying out the duties imposed upon said commission and toward the securing of and the establishment of the first state park owned by the State of Illinois at Starved Rock, and

WHEREAS, Upon the establishment of the said Starved Rock State Park and the completion of his duties as a State Park Commissioner, his health having been impaired, he left for Europe seeking improvement but by reason of his arduous duties on said commission and his delaying the proposed trip until the object of the State Park Act was consummated he failed to recover his health and died in the city of Rome, Italy, on the 30th day of August, A. D. 1912; and

WHEREAS, His brother, Rev. John Crowe of Jacksonville, Illinois, has a handsomely framed and enlarged picture of the late Rev. D. L. Crowe which he offers to present to the State of Illinois; and

WHEREAS, It is the sense of the 48th General Assembly that on account of the great services rendered this State by the late Rev. D. L. Crowe as a member of the State Park Commission, and by reason of his standing as a citizen and clergyman, this kind offer should be accepted and that the most appropriate place to keep such picture is in the Administration Building at Starved Rock State Park; therefore, be it

Resolved, by the House of Representatives, the Senate concurring therein. That the kind offer made of the picture of the late Rev. D. L. Crowe be accepted, and that the State Park Commission is hereby directed to accept said picture and to keep and preserve it in a suitable place in the Administration Building at Starved Rock State Park; and be it further

Resolved, That the Clerk of the House of Representatives certify a copy of this resolution to the secretary of the said State Park Commission.

Adopted by the House June 20, 1913.

Concurred in by the Senate June 20, 1913.

SYMPATHY EXTENDED TO GREEK PEOPLE.

(Joint Assembly Resolution No. 3.)

WHEREAS, The American people have watched with sympathy the struggle of the Balkan people against Turkish oppression and misrule; and,

WHEREAS, In their hour of victory and emancipation, the King of the Hellenes has been killed by a cowardly assassin; therefore, be it

Resolved, by the Joint Assembly of the State of Illinois, that we extend to the Greek people the deepest sympathy of the people of the State of Illinois, and the expression of their horror at the cowardly assassination of the King; be it further

Resolved, That the Secretary of State be, and he hereby is, instructed to forward a copy of these resolutions to M. Venezelas, Prime Minister of Greece, and to the President of the Greek Assembly.

Adopted by the Joint Assembly March 19, 1913.

THANKS EXTENDED TO HON. MORTON D. HULL AND WILLIAM E. JONES.

(House Joint Resolution No. 27.)

WHEREAS, The members of the Senate and the House of Representatives have received digests of the Senate and House Bills, prepared by William E. Jones, under the direction of the Honorable Morton D. Hull, Representative from the Fifth Senatorial District; and,

WHEREAS, Said digests are of great value to the members of the Forty-eighth General Assembly in assisting them to readily obtain information about matters proposed for legislation; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring herein, That Representative Morton D. Hull be, and he hereby is extended a vote of thanks for his public spirited action in thus giving to all members of the Forty-eighth General Assembly the results of the labor of himself and his Secretary, William E. Jones.

Adopted by the House April 17, 1913.

Concurred in by the Senate April 23, 1913.

TORNADO SUFFERERS AT OMAHA, NEB., AND VICINITY.

(House Joint Resolution No. 16.)

WHEREAS, The city of Omaha, Nebraska and vicinity was struck on Sunday the 23rd day of March, by a dreadful tornado, leaving death, ruin and suffering in its trail; and,

WHEREAS, It is reported that the dead and injured in this awful visitation aggregate over 1,000 persons, rendering many more homeless, and bereft of parents, relatives and friends, and also entailing a financial loss which bears heavily on the unfortunate victims and their relatives; and,

WHEREAS, This dreadful disaster has blighted the prosperity, and the fair future of a great western metropolis of a great state; therefore, be it

Resolved, by the House of Representatives, the Senate concurring herein, That the State of Illinois feels keenly the great misfortune which the people of Omaha and vicinity, and the city of Omaha have thus suffered by the tornado of Sunday evening, and that its people hereby tender their sincerest sorrow for those who have met death, and express their deepest sympathy for their survivors and the living victims, in this direful calamity; and, be it further

Resolved, That this State stands ready to render such assistance and relief as may be needful and welcome to those persons who have suffered loss or injury, and offers its kindly generosity and assistance wherever it may be deemed necessary to relieve want and suffering; and, be it further

Resolved, That a copy of this resolution be properly engrossed and sent to the secretary of state of the state of Nebraska, and another such copy to Mayor Dahlman of the city of Omaha.

Adopted by the House March 25, 1913.

Concurred in by the Senate March 27, 1913.

UNITED STATES SENATOR—AMENDMENT TO FEDERAL CONSTITUTION RATIFIED.

(Senate Joint Resolution No. 2.)

WHEREAS, The Sixty-second Congress of the United States of America at the second session begun and held at the city of Washington on Monday, the 4th day of December, in the year of our Lord one thousand nine hundred and eleven by a vote of two-thirds of both Houses, proposed an amendment to the Constitution of the United States which should be valid to all intents and purposes as a part of the Constitution of the United States when ratified by the legislatures of three-fourths of the states, which resolution is in words and figures following, to wit:

"JOINT RESOLUTION.

Proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several states.

Resolved, by the Senate and House of Representatives of the United States of America in Congress Assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section three of article I of the Constitution of the United States, and in lieu of so much of paragraph two of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the states:

"The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

"When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: *Provided*, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

Now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring herein. That the State of Illinois by its Legislature ratifies and assents to said amendment so proposed by the congress of the United States.

Adopted by the Senate February 12, 1913.

Concurred in by the House February 13, 1913.

UNITED STATES SENATOR—ELECTION BY GENERAL ASSEMBLY.

(House Joint Resolution No. 4.)

Resolved, by the House of Representatives, the Senate concurring herein, That on Tuesday, the 11th day of February, instant, at 11:30 o'clock a. m., each House shall by itself and in the manner prescribed by sections 14 and 15, of the Revised Statutes of the United States, name a person for Senator in the congress of the United States, from the State of Illinois, for a term of six years, from the 4th day of March, A. D. 1913; and also a person for the remaining portion of the vacated six year term from the 4th day of March, A. D. 1909, as provided by section 16 of the Revised Statutes, and on Wednesday, the 12th day of February, instant, at 12:00 o'clock meridian, the two Houses shall convene in joint session in the Hall of the House of Representatives, and in the manner prescribed by law, declare the person who has received a majority of the votes in each House for the respective terms, if any person has received such majority, duly elected Senator to represent the State of Illinois in the Congress of the United States for the terms aforesaid; and if no person has received such majority, for said terms, then proceed as prescribed in said law in Joint Assembly to choose such persons for the purpose aforesaid.

Adopted by the House February 11, 1913.

Concurred in by the Senate February 11, 1913.

UNIVERSITY OF ILLINOIS—VISITATION.

(Senate Joint Resolution No. 24.)

WHEREAS, An invitation has been received by the members of the General Assembly from the University of Illinois, inviting them to visit that institution in the near future; and,

WHEREAS, A date should be fixed which will enable the University authorities to make such preparation for the proper entertainment of the members of the Assembly as they may desire; therefore, be it

Resolved, by the Senate the House of Representatives concurring therein, That the date of said visit is hereby fixed for March 27 and March 28, 1913, and the presiding officers of the Senate and House of Representatives are requested to notify the President of the University of Illinois, of the action hereby taken;

Resolved, That a committee of three members from the Senate and three from the House of Representatives, be appointed to have charge of all necessary arrangements.

Adopted by the Senate February 27, 1913.

Concurred in by the House March 13, 1913.

UNITED STATES OF AMERICA, }
STATE OF ILLINOIS. } ss.

OFFICE OF THE SECRETARY OF STATE.

I, Harry Woods, Secretary of State of the State of Illinois, do hereby certify that the foregoing Acts and Joint Resolutions of the Forty-eighth General Assembly of the State of Illinois, passed and adopted at the regular biennial session thereof, are true and correct copies of the original Acts and Joint Resolutions now on file in the office of the Secretary of State, save and except such words, letters and figures as are printed in brackets, thus: [].

[SEAL.]

IN WITNESS WHEREOF, I hereto set my hand and affix the Great Seal of State, at the city of Springfield, this 12th day of August, A. D. 1913.

HARRY WOODS,
Secretary of State.

ERRATA.

Page 31, line five should read, "B. J. Samuels, atty. for Edw. D. Shurtleff, a sitting member, \$500.00."

Page 376, section 40, line ten, word "condition" should read "conviction."

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